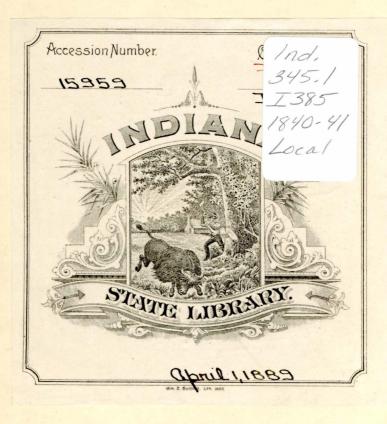
IND. 345.1 1385 1840-41 Local



LAWS

OF A

LOCAL NATURE,

PASSED AND PUBLISHED

AT THE TWENTY-FIFTH SESSION OF THE GENERAL ASSEMBLY

OF THE

STATE OF INDIANA.

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER, ONE

THOUSAND EIGHT HUNDRED AND FORTY.

BY AUTHORITY.

INDIANAPOLIS:

DOUGLASS AND NOEL, PRINTERS.

1841.

LOCAL NATURE.

CHAPTER I.

An Act to incorporate the Connersville Musical Institute.

[APPROVED JANUARY 14, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas Roberts, Levin McIntosh, Felix B. Thomas, George W. Ginn, Joseph Tate, Lewis Scott, Benjamin F. Vance, Jesse Lee, William M. Clark, Elijah M. Vance, James Wadley, William Thompson, William Tyner, Samuel Tate, James Scott, and Samuel Cottom, together with such other persons as may with their consent, associate themselves with the persons above named, for the purpose of forming a musical Band in the town of Connersville, Fayette County, Indiana, be, and the same are hereby, constituted a body corporate and politic, and by the name and style of the Connersville Musical Institute, shall have power to sue and be sued, to defend and be defended, in any and all Courts in this State.

SEC. 2. Said Institute shall elect such officers as the members thereof may deem necessary for the correct management of their business, and as may be prescribed in the by-laws which they may adopt.

Sec. 3. The Institute shall have full power, at any of its meetings, to enact such by-laws as may be necessary to carry out the objects of the institution, and to inflict such forfeitures and penalties as may be necessary to enforce and carry them into effect, not inconsistent with the Constitution of the United States, or of this State.

Sec. 4. Said Institute shall receive additional members, upon such terms, and in such manner, as shall be pointed out by its bylaws, and may receive donations in money, property, or musical instruments, and hold and use the same as the property of the Institute.

SEC. 5. Said Institute may at any time make up a capital stock, not exceeding two thousand dollars, in shares of five dollars each

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which shall be transferable, and which shall be appropriated for the purchase of books, musical instruments, and such other articles of property as may be necessary to effect the objects of the institution, and for defraying the ordinary and necessary expenses of the institution.

Sec. 6. The Institute may be dissolved by a vote of two-thirds of the members including the stockholders, and the property, be disposed of, or divided, in such manner as two thirds may direct.

SEC. 7. The provisions of this act shall be subject to alteration and repeal, at any time hereafter, the property, in case of repeal, to be distributed among the stockholders of the company according to their respective right.

This act to be in force from and after its passage.

CHAPTER II.

An Act to authorize the building of a Bridge across Laughery creek in Ripley county.

[APPROVED, JANUARY 20, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That George W. Lane, his agent, heirs or assigns, be and they are hereby authorized to erect and build, at his or their own expense, a toll bridge across Laughery creek in Ripley county at or near where the state road leading from Lawrenceburgh to Indianapolis crosses said creek.

SEC. 2. Said bridge shall be at least twenty feet wide with good and sufficient hand railing on each side, and in all other respects strong and convenient for the safe passage of all travellers and other persons, cattle of every kind and carriages of every description.

SEC. 3. Whenever the said bridge shall be completed, the said Lane, his agent or assigns may erect a gate at either end of said bridge and demand and receive a toll, not exceeding the following rates to-wit: for every four wheeled pleasure carriage drawn by two horses, nineteen cents; if drawn by four horses, twenty-five cents; every two wheeled pleasure carriage, ten cents; every wagon or cart drawn by two horses or oxen, twelve and a half cents; if drawn by four horses or oxen, twenty-five cents; each sled or sleigh drawn by two horses or oxen, nine cents; every one horse cart, wagon, sleigh or cutter, eight cents; every man and horse, six cents; every foot passenger, three cents; every horse, jack, mule or head of neat cattle, two cents; every sheep or hog, one cent; but all persons going to and returning from places of religious worship, going to and returning from funerals, going to and returning from annual elections, going to

and returning from training, when doing duty in militia, shall be exempt from paying toll.

SEC. 4. If any person shall forcibly, fraudulently or otherwise pass the toll gate on said bridge without having paid legal toll, he, she or they shall forfeit and pay to the said Lane, his agent or assigns four times the amount of the legal toll, to be recovered by an action of debt before any justice of the peace in said county.

SEC. 5. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, the owner shall for every such offence forfeit the sum of five dollars, to be recovered before any justice of the peace, to the use of the person so unreasonably hindered, delayed or defrauded.

SEC. 6. Said Lane, his agent, heirs or assigns shall have and may use the writ of ad quod damnum and all the benefits arising from the law authorizing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of said bridge, toll house and necessary causeway.

SEC. 7. It shall be the duty of the owner of said bridge to keep up in some convenient place on said bridge, where the toll shall or may be received or collected a list of the rate of toll allowed to be received, which list shall be printed in large English print.

SEC. 8. If any person or persons shall wilfully impair or injure said bridge, or cause the same to be injured by digging the dirt on or in the banks of the creek in the vicinity of the bridge, or in any other way or manner whatever, he, she or they so offending, shall forfeit and pay not less than three nor more than three thousand dollars, on conviction thereof by indictment, and shall moreover be liable to the owner for treble the amount of damages sustained with costs of suit, to be recovered in an action of trespass in any court of competent jurisdiction.

SEC. 9. That no other person or persons, company or body politic shall be authorized to establish a ferry or build a bridge over said creek within one mile of said bridge, after said bridge shall be completed for passengers, for and during the time said bridge shall be kept in repair: *Provided*, That nothing in this act shall be so construed as to prevent any person or persons from passing above or below said bridge, at any time they may see proper.

SEC. 10. The said Lane shall pay to the Treasurer of the said county of Ripley, two hundred dollars annually, commencing on the 1st day of January, 1842, and in case of failure for the space of ninety days to make said payment after the same is due, this charter shall be forfeited, and the said bridge thenceforward shall become the property of the said county of Ripley.

Sec. 11. The board doing county business in the said county of Ripley, shall apply the bonus provided for in the 10th section of this act to the erection or repair of bridges, and the improvement of the most important roads leading through said county, or cause the same to be loaned out by the county treasurer of said county for the purpose of purchasing said bridge and keeping the same in repair.

SEC. 12. If said bonus is applied to the erection or repair of bridges and improvement of roads, then and in that case the said board shall levy an ad valorem tax on all the property in said county subject to taxation for state and county purposes, after the expiration of fifteen years from the passage of this act for the purpose of raising a sum sufficient to purchase said bridge and put it in good repair, and shall from time to time levy and cause to be collected as aforesaid, a sum sufficient to keep said bridge in good repair.

SEC. 13. Said bridge shall be completed within twelve months from the passage of this act, or the privilege hereby granted to the said Lane shall be forfeited, and the board doing county business in the said county of Ripley may let out the erection of said bridge to any other person or persons on the same terms as are herein provided

for said Lane.

SEC. 14. This act to take effect and be in force from and after its passage fifteen years, and thereafter until the county commissioners of Ripley county purchase said bridge, and the said county commissioners shall have the privilege and it shall be their duty within two years after the expiration of the said fifteen years to purchase said bridge at the price five disinterested men, (two to be chosen by said commissioners and two by said Lane, and the umpire by the said four,) shall say the same is worth then; Provided that if the said bridge should be valued at more than two thousand dollars, then and in that case the said county of Ripley may delay the purchase thereof until the said bonus shall exceed the value of said bridge one-third; but nothing herein contained shall be so construed as to release the said Lane, his heirs or assigns from paying the bonus heretofore stipulated to the day of the transfer to said commissioners.

SEC. 15. That nothing in this act shall be so construed as to interfere with the rights and privileges heretofore granted to the Lawrenceburgh and Napoleon Turnpike Company, under an act entitled "an act to incorporate the Lawrenceburgh and Napoleon Turnpike Company," approved February 18th, 1840; and it is hereby made the duty of said Lane, his heirs and assigns, whenever it shall be the wish of said turnpike company to use the same, to surrender all the chartered privileges hereby to him granted, to said company, on their paying to him the value of said bridge, to be escertained in the same manner as is provided by the fourteenth section of this act, and when-

ever said company shall finish five miles of said road.

CHAPTER III.

An Act to incorporate the Logansport Trading and Manufacturing Company.

(Approved January 29, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Cyrus Taber, George B. Walker, Chauncey Carter, Joseph Willis, James Rodgers, Samuel B. Linton, James W. Dunn, Williamson Wright, Jordon Vigus, John S. Patterson, William Brown, Peter Anderson, John O. Skelton, and Spear S. Tipton, together with all other persons, who are, or may become stockholders pursuant to this act, shall be and they are hereby declared and constituted a body corporate, to all intents and purposes, by the name and style of the Logansport Trading and Manufacturing Company, by which name they and their successors, and assigns, shall have continual succession, and be able and capable in law and equity, to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto, in any court of competent jurisdiction, to make and use a common seal, and the same to alter, change, renew at pleasure, and they and their successors, as a body corporate by the aforesaid name, shall be competent and capable, of purchasing, holding, using, and conveying any property whatsoever, real or personal, which now belongs, or may hereafter be purchased by said company for the purpose of prosecuting the business of their association, and the said corporation shall exist for fifty years, from and after the first day of July next.

Sec. 2. The capital stock of said corporation shall not be less than five thousand dollars, nor more than one hundred thousand dollars,

in shares of twenty-five dollars each.

Sec. 3. The said Cyrus Taber, George B. Walker, Chauncey Carter, Joseph Willis, James Rodgers, Samuel B. Linton, James W. Dunn, Williamson Wright, Jordan Vigus, John S. Patterson, Peter Anderson, William Brown, John O. Skelton, and Spear S. Tipton, shall act as directors of said corporation until the first Monday in December next, and until others are elected.

Sec. 4. Seven directors shall be chosen annually, by the stock-holders, the first election to be held on the first Monday in July next, and they shall hold their offices for one year, and until their successors are chosen under such rules and regulations, as the by-laws of the corporation may direct: *Provided*, That any vacancy by death, resignation, or otherwise, may be filled by the remaining directors,

until the next annual meeting.

Sec. 5. The stock of said corporation, shall be considered as personal property, and shall be assignable, agreeably to such rules and regulations, as the board of directors may make, use, and prescribe, but no transaction affecting the capital of said stock shall be valued, [valid] until the same shall be entered, as a matter of record, on the books of said company, nor until all, or any claims which said com-

pany may have against the stockholders making a transfer shall be

relinquished.

Sec. 6. The stockholders of said corporation shall duly be held responsible in their individual capacity, for the amount of their respective subscriptions to said stock: Provided, That if said company, should at any time fail, or become insolvent, and its property should be insufficient, to liquidate all just and legal claims, debts, dues, and demands, and that the said directors, shall have been found guilty of violating any part of the letter and spirit of this charter, or should any agent transcend the orders of said directors, in either case, such directors or agent, or their legal representatives, shall become liable to the full amount of such failure, or insolvency, otherwise their respective liabilities shall be on an equal footing with other stockholders.

Sec. 7. A majority of the directors shall form a quorum to transact the business of said company, and may enact such by-laws, rules, and regulations, as they may deem expedient for the government of said corporation not inconsistent with this charter, the laws and constitution of this State and of the United States, and they shall have full power and authority to put into operation all the designs, con-

templated by this act.

Sec. 8. The directors shall have power at any time to receive, and by due course of law to coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all costs of suit, and any tax or damage, which they may assess for delinquency, or refusal on the part of the subscribers to pay their respective instalments according to the terms of subscription, but such tax shall not exceed twelve and a half per cent. on the amount of stock subscribed by such delinquent.

Sec. 9. The directors shall at all times keep or cause to be kept at some suitable place, proper books of accounts in which shall be registered all the transactions of said corporation, and said books, during all business hours, shall be subject to the inspection of the

stockholders of said company.

Sec. 10. The corporation shall not enter into any banking business, for the purpose of issuing bills of credit, or bills of any descrip-

tion, to pass as a circulating medium.

Sec. 11. The stockholders in said corporation, shall be respective. ly liable for any debts, due by, or damages accruing against said corporation, during the time they are such stockholders respectively, in proportion to the amount of their stock severally held, to be recovered by a suit in equity, or otherwise: Provided, That before such liability shall attach as aforesaid, there shall [be] a return of nulla bona, on an execution issued against said corporation, or an equivalent proceeding.

Sec. 12. This act shall be, and the same hereby is declared to be a public act, for the purposes herein specified, and shall take effect and be in force, from and after a certified copy thereof shall have been deposited in the clerk's office of Cass county. The Legislature

reserves the right to alter, amend, or repeal said act, whenever the public good may seem to require it.

CHAPTER IV.

An Act to incorporate the Princeton Musical Institute.

[APPROVED, JANUARY 19, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Ames, Alfred Poland, Samuel Archer, John Barlow, William H. Stockwell, A. L. Jones, and William Daniel, together with such other persons as may be permitted to associate themselves under the regulations of the company, for the purpose of forming a musical band, in the town of Princeton, Gibson county, Indiana, be and the same are hereby constituted a body corporate and politic, and by the name and style of "The President, Secretary, and Treasurer of the Princeton Musical Institute," shall be able and capable in law and equity, to sue and be sued, defend and be defended, answer and be answered unto, in any and all courts whatsoever.

SEC. 2. Said company may appoint a President, Secretary, and Treasurer out of their own body, who shall severally hold their offices, and perform their duties, as may be required of them by the bylaws which they may adopt for that purpose; and a majority of said company are authorized to pass, from time to time, such by-laws, rules, and regulations, alter, and amend the same, and inflict such forfeitures and penalties, as may be necessary to enforce and carry them into effect, and to promote and carry into full effect, the objects of this institution, not inconsistent with the constitution of this State, or of

the United States.

Sec. 3. Said corporation may, at any time, add to their number, or expel members in such manner, as they may provide in their bylaws; they may receive donations in money, property, or musical instruments, and hold or devote the same, for the purposes of the institution; they may make up a capital stock not exceeding one thousand dollars, in shares of five dollars each, to be taken and held by their members, to be appropriated to the procuring of instruments, books, or instruction; and by a vote of all the members of the institute, they may sell any, or all of the property belonging to them, and divide the proceeds among the members, in proportion to their stock.

SEC. 4. The members of the institute shall be liable, in their individual capacity, in proportion to the amount of stock held by each, for all debts contracted during the time of their membership.

SEC. 5. The Legislature may at any time, alter, amend, or annul

SEC. 6. This act to take effect and be in force from and after its publication.

CHAPTER V.

An Act to amend an act entitled, an act to incorporate the Liverpool Bridge Company, approved February 6th, 1837.

[APPROVED, FEBRUARY 4, 1841.]

Whereas it has been represented to the General Assembly by the Directors and Stockholders of the Liverpool Bridge Company, that George Earle, of the county of Lake and State of Indiana, has built a bridge across Deep River, on or about where the said company have the right to build their bridge; and whereas, said stockholders have assigned their interest in their charter to the said Earle, provided the General Assembly pass a law granting to said Earle a charter for the same: Therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the said George Earle, and such other persons as shall hereafter become associated with him, are hereby created a body politic and corporate, under the name and style of the "Liverpool Bridge Company." That as soon as the said bridge is completed, the said corporation may erect a gate at either end of said bridge, and demand and receive a toll not exceeding the following rates, viz: for every wagon, carriage, or sleigh drawn by four horses, thirty-one and one-fourth cents; for each wagon, carriage, or sleigh drawn by two horses, twenty-five cents; for each wagon, carriage, or sleigh drawn by one horse, twelve and one-half cents; for each man and horse, six and one-fourth cents; for each footman, six and one-fourth cents; for every head of neat cattle, two cents; for every hog or sheep, one cent. But all persons going to or returning from a funeral, going to or returning from a place of religious worship, going to or returning from militia duty, going to or returning from general elections, going to or returning from mill with a grist, shall be exempt from paying toll.

SEC. 2. At any time after five years from the completion of said bridge, it shall be the duty of the said corporation to make said bridge free, upon the cost of the same, and of the toll-house, if any, with ten per cent thereon, being paid or tendered to said corporation.

Sec. 3. Said corporation shall be governed, in all other respects, by the act to which this is an amendment.

SEC. 4. This act shall be deemed and taken as a public act in all Courts, and shall be in force fifteen years; but any application of the funds of the corporation to banking purposes, shall be considered and treated as a violation of this charter.

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An Act to re-locate part of a State road therein named.

[APPROVED, FEBRUARY 3, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That G. W. Hunter, Armit Robinson and William A. Brown, be and they are hereby appointed Commissioners, to re-locate so much of the State road running from Vevay, in Switzerland county, to Napoleon, in Ripley county, as lies between Cross Plains and Versailles.

Sec. 2. Said Commissioners shall make report to the Board doing county business in said county of Ripley, who may either confirm or set aside said re-location as to them may seem just and right.

SEC. 3. This act to be in force from and after its passage.

Harrison and Orange for the

CHAPTER VII.

An Act relative to the Will of George Boon, late of Sullivan county, deceased.

[APPROVED, FEBRUARY 3, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the Clerk of the Marion Circuit Court, to receive proof by the subscribing witnesses to the last Will and Testament of George Boon, late of Sullivan county, deceased, in the same manner as required by law in other cases to prove Wills.

SEC. 2. Said proof shall be by said Clerk attached to said Will, certified by him under the seal of said Court, and when [so certified,] together with said Will, shall be filed in the Clerk's office of the Sullivan Circuit Court, [and] shall be by him recorded, and have the same effect as the same would have, had such proof been taken by the Clerk of the Sullivan Circuit Court.

SEC. 3. When said Will and proof so certified, shall have been filed with the Clerk of the Sullivan Circuit Court, he shall have power

to issue letters testamentary thereon, subject to revocation by the Probate Court of Sullivan county, as in other cases.

This act to take effect and be in force from and after its passage.

CHAPTER VIII.

An Act for the relief of late Collectors for the county of Harrison, and for other purposes.

[APPROVED, JANUARY 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the late Collectors of the State and County revenue for the counties of Harrison and Perry, for the years eighteen hundred and thirty-five, eighteen hundred and thirty-six, eighteen hundred and thirty-seven, eighteen hundred and thirty-eight, and eighteen hundred and thirty-nine and eighteen hundred and forty, in all cases where the said Collectors have settled and paid to the proper authority the State and County revenue for said years, they are severally authorized and empowered to collect all taxes due and unpaid from the several persons legally charged therewith on the transcript of the assessment rolls for said years, by demand of the several persons entitled to pay the same, by distress and sale of their goods and chattels respectively, in the same manner as they might or could have done in the years for which they were appointed.

Sec. 2. And be it further enacted, That the time of payment of the county revenue for the counties of Harrison and Orange, for the year eighteen hundred and forty, is hereby extended to the first

Monday of August next.

This act to take effect and be in force from and after its passage.

CHAPTER IX.

An Act to incorporate the Euterpean Band of South Bend.

[APPROVED, JANUARY 27, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Lewis Humphrey, Bradford G. Casgrove, John Tatman, William Wilmington, Abraham Wilson and their associates and successors, be, and they are hereby constituted and declared to be, a

body politic and corporate, by the name and style of "The Euterpean Band of South Bend," with perpetual succession, and with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto in law and equity, and in all courts of legal proceedings whatever; and to make, have, and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said "Euterpean Band" is hereby authorized to adopt a constitution, to make, establish, and enforce such by-laws, rules, and ordinances under said constitution, as they may deem proper, not inconsistent with the constitution and laws of the United States and

of this State.

SEC. 3. Said Band may make and appoint all officers necessary for the management and direction of the association; may regulate the manner of appointing or electing such officers, together with the time of service; and may make such rules and regulations for the reception and expulsion of members, as they may think necessary.

SEC. 4. Said Band may receive donations in money, property, musical instruments, or books, and may hold and devote the same to the purposes of the band. They may make a capital stock not exceeding two thousand dollars in shares of five dollars each, to be taken and held by the members of the association, to be appropriated to the procuring of musical instruments, books and instruction, or any kind of property necessary for their convenience in accomplishing the objects of the association; and may convey, alien, or sell any or all such property, and divide the proceeds among themselves, according to the proportion of their stock.

SEC. 5. The stockholders in said corporation shall be individually liable, in a just ratio or proportion of their amount of stock held or subscribed, for all debts incurred during the said possession of said stock, from the original subscription; it shall not release the original subscriber, in his just proportion, from any debts or liabilities incurred or created during his, her, or their possession of said stock.

SEC. 6. The Legislature reserves to itself the right to amend, alter,

or annul this act of incorporation, at any time.

This act to be in force from and after its passage.

CHAPTER X.

An Act to amend the tenth section of an act entitled "An act relating to State Roads," approved February 24th, 1840.

[APPROVED FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the tenth section of an act entitled "an act relating to

state roads," approved February 24th, 1840, be so amended as to insert in the blank after the words "George R." the word "Thralls."

SEC. 2. Be it further enacted, That the name of Kile is declared a misprint, and is hereby declared to be Jesse Kiler.

This act to take effect and be in force from and after its passage.

Ser. 2. Said " Emergean Band" is hereby authorized to adopt a constitution, to make, establish and enforce such by laws, rules, and

inconsistent with the constitution and laws of the United States and CHAPTER XI.

An Act to amend an act entitled "an act to provide for the election of an additional justice of the peace and constable for Morgan township, in the county of Harrison," approved February 15, 1840.

[APPROVED FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the officers hereafter elected by the provisions of the act to which this is an amendment, shall keep their office and reside within the limits of the town of Palmyra, and all acts or parts of acts contravening the provisions of this act are, and they are hereby repealed. This act to take effect and be in force from and after its passage.

beginning and description of the CHAPTER XII. In the second of the chapter XII.

An Act to amend the act entitled "an act for the relief of John Rodolph Fischli," approved February 18, 1839."

[APPROVED JANUARY 27, 1841.] od od tos zidT

WAEREAS, by the act of the General Assembly of the State of Indiana, entitled "an act for the relief of John Rodolph Fischli," approved February 18, 1839, the sheriff of the county of Clark was required to perform duties therein mentioned, the fees and compensation for which are not particularly defined by law: Wherefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it was and is declared to be lawful by and under the existing laws, for said sheriff of the county of Clark, so performing said duties, or attending thereto, and causing the same to be done, to charge said fees, at the following rates, for his services therin rendered, in pursuance of, or under the aforesaid act, to which this is an amendment, viz: For summoning the jury of inquest of sixteen jurors, as in said act mentioned, \$1 00; for returning the summons or venire, with the pannel of said jurors, 25; for attending said inquest per day, \$1 00; for calling and empanneling said jury, 25; for holding said inquisition, drawing up and returning the same, \$1 50; for examining and indenting every tract of land and lot, and executing the indenture therefor, upon the same being found escheated to the said State of Indiana, as required by said act, for each tract and lot, \$2 00; for every mile travelled in going and returning, in performing the duties required by said act, 5.

SEC. 2. That it was and is declared to be lawful for the said sheriff, by and under the existing laws, upon his rendering all or any of said services under said act, to charge his fees therefor, at the foregoing rates to, and to demand and collect the same, of the said John Rodolph Fischli, as other fees are or may be collected by such offi-

cer in other cases, under the existing laws.

SEC. 3. That so much of the 5th section of the said act, to which this is an amendment, as provides that all costs, on the trial of inquisition and proceedings under said act, should be paid to the said John Rodolph Fischli, is hereby declared to be a misprint; and that it was the true meaning and intention of the said act, to which this is an amendment, that the said costs should be paid by the said John Rodolph Fischli.

SEC. 4. This act shall take effect and be in force from and after its

same at pleasure, and they shall be capable of michasine holding using and conveying any estate real or personal, and the control and

CHAPTER XIII.

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An Act for the relief of George D. Moore, of Randolph county.

[APPROVED, FEBRUARY 4, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the Board of Trustees of the county Seminary of Randolph county is hereby authorized and empowered to extend to George D. Moore such further and additional time as may be thought necessary by said board for the erection and completion of the edifice for the public Seminary of said county.

SEC. 2. A copy of this act certified by the Secretary of State and filed in the office of the clerk of the Randolph circuit court shall be

directions of Randolph Ross, son and Randolph Ross, junt, who

to receive subscriptions to the capital stock on such days and at such

considered a sufficient publication of the same.

This act to be in force from and after its passage. the books of told corporations and not etherwise, viscounder the Sec. On The subscriptions to said stock shall be enough under the

CHAPTER XIV.

An Act to incorporate the Indiana Iron Manufacturing Company.

[APPROVED, JANUARY 20, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Randolph Ross, sen'r. and Randolph Ross, jun'r. of the county of Monroe, and their associates be, and they are hereby constituted, a body corporate and politic, by the name and style of the President, Directors and Company of the Indiana Iron Manufacturing Company, for the purpose of manufacturing iron, castings, nails and machinery, and they and their successors shall continue as such corporation for the term of fifty years, from and after the first day of March next, and by the name and style of the President, Directors and Company of the Indiana Iron Manufacturing Company, are hereby made capable to contract and be contracted with, to sue and be sued: to plead and be impleaded in any court of justice within this state or elsewhere, the same as a natural person, and shall be so recognized in law and equity.

SEC. 2. The said corporation shall have a common seal, by which all their acts shall be authenticated, and they may change or alter the same at pleasure, and they shall be capable of purchasing, holding, using and conveying any estate real or personal, and to erect any furnace or furnaces, forge or forges, nail factory or nail factories, or other machinery necessary for the use and security of said corpo-

ration.

SEC. 3. The stock, property, and concerns of said corporation shall be managed and conducted by three directors who shall be stockholders, one of whom shall be President, who may respectively hold their offices for one year, and until others shall be chosen. The said Board of Directors, shall have power to ordain and establish such by-laws and regulations as they shall deem necessary to promote the objects of the corporation, not inconsistent with the laws and constitution of the State of Indiana.

Sec. 4. The better to enable said corporation to become organized, the said Randolph Ross, sen'r. and Randolph [Ross,] jun'r. be and they are hereby authorized to sell out in shares of one hundred dollars each, their furnace in said county of Monroe, known by the name of the Virginia Furnace, with the lands, appurtenances, and fixtures attached, or hereafter to be attached thereto, provided the capital stock of said corporation, shall never exceed three hundred thousand dollars, which shares shall at all times be transferable on the books of said corporation, and not otherwise.

SEC. 5. The subscriptions to said stock shall be opened under the directions of Randolph Ross, sen'r. and Randolph Ross, jun'r., who are hereby appointed commissioners for that purpose, and authorized to receive subscriptions to the capital stock on such days and at such

aces, after the passage of this act, as they may appoint; and the dividual and private property, both real and personal, of each stockholder, shall be subject and liable to execution, for all contracts, debts, and liabilities made or entered into by said corporation, at any time during which any and every such person or persons may have held stock in said corporation: *Provided*, That all the property of said corporation shall be first exhausted before the private property of the individual stockholder shall be liable.

Sec. 6. Provided, however, That the said corporation hereby

created shall not engage in any banking business whatever.

Sec. 7. That this act shall be and the same is hereby declared a public act, and shall be in force from and after its passage.

CHAPTER XV.

An Act relative to the Shelbyville Independent Rifle Company.

[APPROVED, FEBRUARY 4, 1841.]

Whereas an Independent Rifle Company has lately been organized in pursuance of an act of the General Assembly of the State of Indiana, approved February 24, 1840, composed of citizens of Shelbyville and its vicinity, in the county of Shelby; and whereas the line dividing the thirty-ninth and seventy-third regiments of militia runs through the centre of said county, and through the said town of Shelbyville, the members of said company residing within the bounds of both of said regiments: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the said company shall not be required to drill and parade at any of the regimental, battalion, or other musters or drills of either of the said regiments; and that the said company shall be independent of either of said regiments; but that said company shall in other respects be subject to the provisions of the aforesaid act relative to

volunteer or light companies.

And be it further enacted, That on the application of the commissioned officers of said company, the Governor is authorized to grant to said company such order or other facilities as may enable them to procure the proper arms and accourrements suitable for said company.

This act to take effect and be in force from and after its passage.

CHAPTER XVI.

An Act for the relief of Edmund Clark, collector of Hendricks county.

[APPROVED, JANUARY 27, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Edmund Clark, collector of the revenue of Hendricks county for the year 1840, have until the first Monday of May, 1841, to collect and pay over to the treasurer of said county the county revenue of said county, yet remaining due and uncollected by said collector, and said collector shall be governed in the collection thereof, in the same manner and under the same regulations now in force in this state for the collection of the same, except as to the time of the payment thereof as aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage, and the filing a certified copy thereof in the office of the clerk of the Hendricks county circuit court, and it is hereby made the duty of the Secretary of State to make out a certified copy of the same, immediately after the passage thereof, and transmit it to the clerk of the Hendricks circuit court; and it is hereby made the duty of said clerk to file the same in his office.

CHAPTER XVII.

An Act repealing the eighth section of an act incorporating the Leesburgh School Society, approved February 24, 1840.

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the eighth section of an act entitled "an act incorporating the Leesburgh School Society," approved February 24th, 1840, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after a certified copy thereof may be filed in the clerk's office of Kosciusko county.

CHAPTER XVIII.

An Act entitled an act for the relief of School District No. 3, in township No. 6, (six) south of range No. 10 west, in Vanderburgh county.

[APPROVED JANUARY 27, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the guardians of the heirs of Joseph McCallister, deceased, late of Vanderburgh county, are hereby authorized and empowered to sell and convey to the trustees of school district number 3, (three) in township number 6, (six) south of range number 10 (ten) west, in Vanderburgh county, and to their successors in office, a tract of land not exceeding one acre, out of the north-west quarter of section No. 26, (twenty-six) in township No. 6 (six) south, of range No. 10 (ten) west, in Vanderburgh county, in fee-simple, for the purpose of erecting a school-house thereon, charging the said district a sum sufficient to indemnify the said estate for damage done to the same by the provisions of this act.

SEC. 2. Said guardians are hereby authorized and empowered to execute the necessary deed or deeds of conveyance for said tract of land for and in behalf of said heirs to said trustees for the purposes aforesaid: which deed or deeds, when sanctioned and approved by the judge or judges of the probate court of Vanderburgh county shall be valid for the purposes aforesaid, and not otherwise.

This act to be taken as a public act and to be in force on and after its publication in the Evansville Journal, at the expense of said trustees:

CHAPTER XIX.

An Act to invest the real estate of Walter Slawter, deceased, in his children, and for other purposes.

[APPROVED JANUARY 19, 1841.]

WHEREAS, one Walter Slawter, late of De Kalb county, lately departed this life, being a foreigner, and not having taken the oaths of naturalization, or of his intention to become a citizen of the United States: Therefore-

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all real estate owned by said Slawter, at the time of his death, and particularly the east half of the south-west quarter of section twenty-four, township thirty-four north, range fourteen east, in De Kalb county, Indiana, be, and the same is hereby vested in his child, or children, in like manner as it would have vested, had said Slawter been a natural born citizen of the United States; and all right of escheat in the premises, on the part of the State, is hereby waived.

This act to be in force from and after its passage.

CHAPTER XX.

Sec. 1. 25 Hear and he fashed and a test of a classific of Indiana, That the countries of the living of deserted by the fines of deserted by the fines of the second of th

An Act to authorize the Associate Judges in Ripley county to hold a Probate Court.

[APPROVED JANUARY 16, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the associate judges in the county of Ripley, be, and they are hereby authorized and required, to hold a court in the said county, at the next February term, for the transaction of probate business, being subject in all respects to the laws now in force, relative to probate business: Provided, The judge of said court should not be present.

Sec. 2. That the said associate judges, shall be allowed the same per diem, each, as is now allowed to the probate judges in this State,

to be paid in the same way.

Sec. 3. This act to be in force from and after its publication in the Indiana Journal.

CHAPTER XXI.

An Act to extend a certain Street in the town of Bloomington, and for other purposes.

[APPROVED FEBRUARY 2, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the street running north and south through the town of Bloomington, in the county of Monroe, be, and the same is hereby declared to be continued from where it now terminates, running north against the west end of out-lot No. 39, by running north forty feet in width, through the west end of said out-lot No. 39, so as to intersect the Greencastle State road.

SEC. 2. That so much of the street or alley, running east and west through the out-lots, on the northern side of said town [of] Bloom-

ington, as lies between out-lots No. 38 and 39, be, and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

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CHAPTER XXII.

An Act for the relief of John Brookbank, of Carroll County.

(Approved January 21, 1841.)

WHEREAS, it has been shown to this General Assembly, that John Brookbank, of Carroll county, filed his complaint against the State of Indiana, praying for the assessment of damages by him sustained, on account of timber taken for the construction of the Wabash and Erie canal, from the north-east quarter of section twenty-four, township twenty-five north, of range three west, lying in said county of Carroll, and that said complaint was referred to, and heard by the proper appraisers, according to the statute in that behalf, who awarded damages in favor of the said complainant, from which award the State appealed to the Carroll circuit court, and that upon the trial of said appeal in said court, the said complainant was obliged to suffer a non-suit, and withdraw his claim for said damages as to said land in consequence of a defect in his complaint in not setting forth (as the fact was) that he held the said land, by an equitable instead of a legal title, and that since the filing of said complaint, the time limited by law for filing the same has expired: Therefore, for the relief of the said John Brookbank-

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the said John Brookbank, be, and he is hereby authorized, to file his complaint against the State for damages, on account of timber taken from said land, for the construction of said canal, notwith-standing the lapse of the time limited by law for filing the same; and such complaint shall be referred to and heard by the proper appraisers in the same manner, and such proceedings shall be had thereupon, as if the said complaint had been filed within the period limited by the existing laws, and the award of the appraisers, or the judgment of the court (in case of appeal,) if said award or judgment shall be rendered in favor of said complainant, shall be payable to the said complainant in like manner as provided for by the existing laws.

SEC. 2. This act shall take effect and be in force from and after its passage, and shall be taken and construed as a public act, and admissible and binding as such without being specially pleaded.

CHAPTER XXIII.

An Act to incorporate the Putnam Band of Music.

[APPROVED FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That W. M. C. Blake, P. Daggy, O. H. P. Ash, T. H. Mahan, R. Hardesty, W. Kenyon, Greenup Lee, John Batterton, E. K. Kercheval, W. J. Burnes, James P. Minnick, James Holland, Wm. N. Stevenson, W. Detrick, Robert Rankin, and Vincent K. Reed, of the county of Putnam, their associates and successors, be, and they are hereby constituted a body politic and corporate, and shall be known by the name and style of the Putnam Band of Music, and by that name shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, in all courts of justice whatever, with full power and lawful authority to acquire, hold, use, occupy, and enjoy, by purchase, gift, grant, or devise such real or personal estate, musical instruments, &c., not to exceed five hundred dollars, as shall be necessary to carry into effect, the objects of this corporation, and the same to sell and convey as to them shall appear fit and proper; to make, have, and use a common seal, and the same to break, alter, or renew at pleasure; and also to make, ordain, establish, and put in execution, a constitution, and adopt by-laws for the government of said corporation, the regulation of its fiscal concerns, the admission of its members, and the appointment of its officers, together with all powers for the corporate existence, and the proper and efficient management of its concerns: Provided, That no article of the constitution, by-laws, rules, or regulations shall in any wise be contrary to the constitution and laws of this State, or of the United States.

SEC. 2. That the officers of this society shall be a president, vice-president, secretary, and treasurer, who shall be elected at such times, and shall perform such duties, as shall be required by the constitution, and by-laws adopted, in conformity with the provisions of this act.

Sec. 3. This act to take effect and be in force from and after its passage: *Provided*, however, That the Legislature reserves the right to amend, alter, or annul this charter of incorporation at any time hereafter.

CHAPTER XXIV.

An Act providing for the location of a State Road and for other purposes.

[APPROVED FEBRUARY 3, 1841.]

Warras, it is represented that the commissioners appointed by the one hundredth section of an act entitled "an act to establish certain state roads therein named, and for other purposes," approved February 17, 1838, have failed to discharge the duties enjoined on them by said act: Therefore,

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the section above named be, and the same is hereby repealed.

SEC. 2. That John Sidenbender of Carroll county be, and he is hereby appointed a commissioner to view, mark. and locate a state road as follows, to-wit: commencing at a point on the state road leading from Delphi in Carroll county to Logansport in Cass county at or near the farm formerly owned by John Shafer, thence on the nearest and best route to the town of Carrollton, via the proposed bridge across the Wabash river at that place, thence on the nearest and best route to the ferry established on the Tippecanoe river, at Monticello in White county. The said commissioner shall be governed in all respects by the general law on the subject of state roads, in the discharge of the duties enjoined on him by this act, having due regard to the public interest, and also the convenience and interest of the citizens in the vicinity of said road.

This act to be in force from and after its passage.

CHAPTER XXV.

An Act to vacate a part of the town of Bowlinggreen, in Clay county.

[APPROVED JANUARY 19, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That block one and lot number twenty in the town of Bowlinggreen, Clay county, with the alleys therein, and streets adjoining thereto, and the west and north sides thereof, be, and the same is hereby vacated, and the territory formerly embraced in the aforesaid block number one, and the south half of lot number twenty (20,) with the streets and alleys in and adjoining thereto which is hereby vacated, shall form and constitute-out lot number twenty (20.)

SEC. 2. That the north half of block No. four, and out lot No. twenty-one, together with the alleys therein and streets adjoining thereto on the north, and east thereof so far south as the alley running east and west through said block number four in the town aforesaid, be, and the same is hereby vacated, and the territory therein contained, shall form and constitute out-lot No. twenty-one (21.)

Sec. 3. And also, Crawford street, so far as it lies between out-lot No. twenty-two, block eight, also the alley in block eight running east and west as far as it lies between lots Nos. six and seven in said block No. eight, and also Mill street so far as it lies north and adjoining out-

lot twenty, be, and they are hereby vacated.

SEC. 4. This act to be in force from and after its passage.

CHAPTER XXVI.

An Act to amend an act approved February 24, 1840, entitled "an act relating to State Roads."

[Approved, December 21, 1840.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Silden C. Fisk of Orange County, and David Boyder of Martin county, named in the first Section of the act to which this is an amendment, are hereby declared a misprint, and was intended and shall be considered and read Selden C. Fish and David Boyden, and as such shall have all the powers and render all the duties that were intended to be granted and required of them by said act.

Sec. 2. This act shall be in force from and after its publication in

the Indiana Journal.

CHAPTER XXVII.

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An Act to incorporate the Orleans Band.

[Approved, February 4, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That James Worrell, Lorenzo Worrell, William W. Worrell, John F. Kinley, Hiram Moyer, Addison Moyer, Jesse A. Irvine, Jeptha Jeter, Albert G. Riley, William S. Riley, Preston F. Worrell, and Daniel I. Sears, of the county of Orange, their associ-

ates and successors, be, and they are hereby constituted a body politic and corporate, and shall be known by the name and style of the Orleans Band, and by that name shall have power to contract, and be contracted with, to sue and be sued, plead and be impleaded in any Court of legal proceedings. They shall have power to elect or appoint their own officers, in such way and manner, as they may deem proper, to ordain and enforce such rules, regulations, and by-laws as to them may seem proper, not inconsistent with the constitution and laws of the United States, or of this State.

SEC. 2. That so much of the act incorporating the Orange guards, approved, February 10, 1840, as they may see proper to adopt, be,

and the same is hereby extended to the Orleans Band.

Sec. 3 This act to take effect and be in force from and after its passage.

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An Act for the location of a State road in the counties of Harrison and Crawford.

[APPROVED, JANUARY 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jehu Brandingburg and John Trotter of Harrison county, and Zebulon Levenworth of Crawford County, be, and they are hereby appointed Commissioners to view, mark, and locate a State road from New Market, via. New Amsterdam, in Harrison county, to Levenworth in Crawford county, and that Jacob L. Kintner, Isaiah Inman, George Beard, and T. N. Johnston, of said county of Harrison, are appointed Commissioners to locate a State road from the said town of New Market up the Ohio river, between the bank and cliff of said river, to the bridge across Knob creek, to intersect the State road leading from New Albany in the county of Floyd, to Elisabeth in the said county of Harrison.

SEC. 2. The said Commissioners or a majority of them, shall meet at New Market in the said county of Harrison, on the fourth Monday in April next, [or] on some subsequent day as they may think proper, and after taking an oath or affirmation faithfully to discharge the duties assigned them by this act, shall proceed to view, mark, and locate [the] State roads as aforesaid, the nearest and best way from the aforesaid points, and shall within thirty days thereafter, cause a detailed report of their proceedings to be filed in the Clerks' offices in said counties respectively, giving the length of said roads as located in said counties, and the said Clerks shall within ten days thereafter, cause said reports to be recorded, in the records of the

boards doing county business respectively.

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SEC. 3. The said Commissioners may employ a Surveyor and chain carriers, if they deem it expedient, and keep an account of the number of hands, and the time occupied by themselves and assistants, a copy of which shall be by them filed in the Clerks' offices of the said counties, and it shall be the duty of such Clerks, to lay the same before the boards doing county business, in such counties, at their next succeeding terms, and the boards doing county business shall make such order for the payment of the same as they shall deem just and reasonable, reference being had to the distance said road may be located in said county, and all sums thus allowed, shall be paid out of the Treasury of the respective counties, on the order of said Commissioners out of any monies in said county treasury not otherwise appropriated.

SEC. 4. And it shall be the duty of the board doing county business in said counties, to order the supervisors respectively through whose district said roads shall pass, to open the same, any width not exceeding sixty feet, in the same manner County roads are opened, and thereafter keep the same in repair, in all respects as other roads in this state are kept in repair.

Sec. 5. And it is hereby made the duty of said supervisors, to cause the hands in their respective districts to work any number of days necessary to open said roads of a sufficient width, and convenient for travellers, and should any vacancy or vacancies occur by death, resignation, refusal to serve, or otherwise, in the appointment of Commissioners by the first section of this act, such vacancies shall be filled or place supplied by said board doing county business in the county where such vacancy may occur, or where such persons may reside who may refuse to serve or qualify as aforesaid.

This act to take effect and be in force, from and after its passage and publication in the Corydon whig, to be paid for by the county of Harrison.

CHAPTER XXIX.

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An Act for the relief of the securities of Andrew Martin, Collector of the State and County revenue of the County of Daviess for the year 1839.

[Approved January 15, 1841.]

Whereas it has been represented to this General Assembly by the Board of Commissioners of the county of Daviess, in conjunction with the securities [of] Andrew Martin, collector of the State and county revenue of Daviess county for the year 1839, that a large amount of the revenue of said county remains uncollected for said year, and that unless the time be extended for the collection of the same, that said securities will sustain great loss.

AND WHEREAS it has been further represented that many inaccuracies exist in said collectors delinquent list as heretofore returned, and that it would be right that the same be corrected; and that judgments have been rendered against said collector and his securities for said revenue: Therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the time for the collection of the State and county revenue in said county, for said year, be extended to said collector for one year

from and after the first Monday in March next.

Sec. 2. That the judgment heretofore rendered against said Martin and his securities as such collector for the county revenue of said county for 1839, be, and the same shall be hereby suspended from the passage of this act for one year, from and after the first Monday in March next: Provided, said Martin and his securities shall enter bail for the stay of said execution as in other cases; and Provided, further, that the Board of Commissioners of said county shall not within the time last mentioned, file a precipe for an execution or other process on said judgment with the clerk of the Daviess Circuit Court, directing him to issue process thereon.

SEC. 3. That said collector be authorized to make any correction in his return of delinquencies for the year aforesaid, which may be justified by the facts, and that the Board of Commissioners of said county be authorized to make to said collector the proper allowance for the same, at any time before the first Monday in March 1842; Provided, that nothing in this act shall be construed to affect the judgment rendered against said Martin and his securities for the state

revenue for the said county for the year 1839.

This act to be in force from and after a certified copy of the same shall be filed in the office of the Clerk of said county of Daviess, or from and after its passage.

CHAPTER XXX.

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An Act to authorize Thomas S. Hinde to establish a Ferry therein named.

[APPROVED, JANUARY 19, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas S. Hinde be, and he is hereby authorized to keep a ferry across the mouth of White River, and across the Wabash, at the mouth of White River, upon his entering into bond and security, as required by the law regulating ferries: Provided, the rights of third persons are not prejudiced.

SEC. 2. This act to be in force from and after its publication.

CHAPTER XXXI.

An Act to extend the benefit of an act entitled "an act to incorporate the Marion Fire Engine Company," approved, January 20, 1838.

[APPROVED, FEBRUARY 4, 1841,]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That whenever forty or more of the citizens of the town of Indianapolis shall associate themselves together for the purpose of forming a fire engine company in addition to the one already formed, it shall be lawful for them to organize under the aforesaid act, the benefits and privileges of which are hereby extended to them: Provided, that nothing in this act shall be so construed as to authorize the payment of any money out of the State Treasury, for the purposes in this act, or the act to which this is an amendment contemplated.

SEC. 2. Such companies, when so organized, may assume such corporate name as they may deem proper; and when any two or more of them shall associate together, they may make by-laws, which shall be binding upon both.

This act to be in force from and after its passage.

CHAPTER XXXII.

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An Act to vacate a part of the town of Kirklin in Clinton county.

[APPROVED, DECEMBER 24, 1840.

Be it enacted by the General Assembly of the State of Indiana, That all that part of the town of Kirklin, in Clinton county, lying east of Ohio Street be, and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

CHAPTER XXXIII.

APPROVED HAVING 19, 1841

An Act to change the name of the town of Milford, in Warren county.

[APPROVED, FEBRUARY 4, 1841.]

SEC 1. Be it enacted by the General Assembly of the State of Indiana, That the town heretofore known by the name of Milford, in the coun-

ty of Warren, Indiana, be and the same is hereby changed to that of West Milford.

This act to be in force from and after its passage.

CHAPTER XXXIV.

An Act providing for draining the swamps, ponds, marshes, and other low lands within the county of Spencer.

[APPROVED, JANUARY 27, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That any person or persons, owning or possessing any swamps, bogs, meadow-ponds, or other low lands lying in the county of Spencer, who shall be desirous to drain such land, and who shall deem it necessary in order thereto, that a ditch or ditches should be opened through lands belonging to other persons, in case the owners of any such lands shall refuse to permit the opening of such ditch or ditches through the same, may apply to any justice of the peace residing in the township where such lands shall lie, for such summons as is herein specified.

Sec. 2. The justice to whom such application shall be made, shall thereupon issue a summons, directed to the sheriff of the said county, requiring him to summon twelve respectable freeholders who are not interested in the said lands, nor in any of them, nor in anywise of kin to either of the parties, to be and appear on the premises, at a certain time to be specified in such summons, not less than ten, nor more than twenty days from the date thereof: the said summons shall also direct the sheriff to give at least six days notice to the owner of such lands, of the time at which such jury are to appear.

SEC. 3. The sheriff to whom such summons shall be delivered shall execute the same, by summoning such jurors, in the same manner, and with the like authority as upon venires issued in causes pending before justices of the peace; and shall in like manner make return thereof, and of the fact of his having given the notice therein required.

SEC. 4. The justice shall attend at the time and place specified in the summons; and if it appear that due notice has been given as required in the summons, and if twelve freeholders, as above specified, shall then and there appear, he shall administer to each of them an oath or affirmation, well and truly to examine and certify, in regard to the benefit or damages which will result from the opening of the said ditch or ditches; and either the applicant, or the person or persons through whose land a ditch, or drain, or other improvement as above specified shall pass, shall have the right of peremptory challenge to three of the jurors summoned, and to as many more as he or they can show good cause for objecting to.

SEC. 5. The persons applying to have such ditch or ditches opened, shall then deliver to the jury a map of the land through which the same are to be opened, on which the plan, length, width, and depth of such ditch or ditches shall be particularly designated; the jury shall personally examine and hear any reasons that may be offered in regard to the question submitted to them, and they may, if they think proper, vary the plan or dimensions of any ditch so proposed to be opened; but in such case they shall designate on the said map the alterations made by them.

Sec. 6. If, after taking all the circumstances into consideration, the jury shall be satisfied that the opening of such ditch or ditches is necessary and proper, they shall so certify by inquisition in writing, and if so satisfied, they shall further certify by such inquisition that the benefit which will accrue to the owner of the lands from the opening of such ditch, or ditches will, or will not be qual to the damages, the jury shall assess the damages which in their judgment will be sustained therefrom by such owner, and certify the same in like manner; every such inquisition shall be signed by all the jurors and delivered to the justice.

SEC. 7. Upon the payment of the damages by the person making the application so assessed by the jury and the costs of such assessment, or if no damages shall have been found by them, upon payment of the costs of the proceedings, and the delivery of the certificate of the jury to the justice, it shall be lawful for the person applying for such summons, to enter with his hands, teams, carriages, and other necessary implements upon such lands, and then and there cut and open such ditch or ditches as were designated on said map, according to the plan and dimensions therein specified and adopted by the jury, not deviating materially from such dimensions.

Sec. 8. After such ditch or ditches shall have been opened, it shall be lawful for such applicant, his heirs and assigns forever thereafter, from time to time as it shall become necessary, to enter upon the lands through which such ditch or ditches shall have been opened, for the purpose of clearing out and securing the same, and then and there to clear out and scour the same in such manner as to preserve the original length, depth, and width thereof.

Sec. 9. Any person who shall dam up, obstruct, or in any way injure any ditch or ditches so opened, shall be liable to pay to the person owning or possessing the swamp, bog, meadow-pond, or other low land, for the draining of which such ditch or ditches shall have been opened, double the damages that shall be assessed by the jury for such injury: and in case of second offence by the same person, treble such damages.

. Sec. 10. The justice before whom any proceedings shall be had under this title shall cause the map delivered by the applicant, and the inquisition by the jury, which he shall certify to have been taken before him, to be filed in the office of the circuit court of the county

of Spencer, to be kept in the said office as a record of the proceedings between the parties.

This act to be in force from and after its passage.

CHAPTER XXXV.

An Act to establish a State Road therein named.

[APPROVED, FEBRUARY 3, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That David Simmons, Esq., of the county of Randolph, is hereby appointed a commissioner, whose duty it shall be to review so much of the old road leading from the National Road, at or near Richmond, in Wayne county, to Fort Wayne, through Spartansburgh, in Randolph county, (commonly called the Quaker trace,) as lies between the State road leading from Greenville, in Dark county, in the State of Ohio, to Portland in Jay county; and also to review and examine the county road leading from Richmond northward through said Spartansburgh, in the same direction of the said Quaker trace; and establish the said State road on either, or any part of the said roads, or other grounds, as to him may seem just and reasonable, not running through the enclosure of any person in Wayne county without the owner's consent.

SEC. 2. The said commissioner shall on the first Monday of April next, or within ninety days thereafter, before some person legally authorized to administer oaths, take an oath or affirmation faithfully to discharge the duties required of him by this act; and should said commissioner die, neglect, or refuse to qualify and discharge the duties enjoined on him, being informed thereof, it shall be the duty of the Board doing county business in Randolph county to fill said vacancy; and the commissioner so appointed shall be governed in all respects in the same manner, and proceed to discharge the same duties, as if he had been appointed by the Legislature.

Sec. 3. The said commissioner, if necessary, shall employ a surveyor and chain carriers, who shall receive for their services such compensation as the boards doing county business shall deem just and reasonable. Said commissioner shall receive one dollar and fifty cents per day, to be paid out of the respective county treasuries.

SEC. 4. When said commissioner shall have performed his duties as provided in this act, he shall report the same to the boards doing county business in each county in which said road shall be established, who shall record the same in the proper books kept for that purpose, and shall cause said road to be opened and kept in repair,

as other State roads in said counties. Said road shall not be more than sixty, nor less than forty feet wide, and shall be a permanent State road.

This act to be in force from and after its passage.

CHAPTER XXXVI.

An Act to establish permanent corners to the Streets, Alleys, and Lots in the town of Corydon.

[APPROVED FEBRUARY 4, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That William A. Porter of the town of Corydon, be and he is hereby appointed a commissioner to run the lines of the streets, alleys, and lots of said town agreeably to the original survey thereof, who after being sworn, faithfully to discharge the duties of his said appointment, before some person legally authorized to administer oaths, shall proceed to survey all the streets and alleys of said town, and shall mark at the centre of the crossing of every street and alley, by planting thereat a stone or durable post, at which every person hereafter wishing to survey his or her lot or lots shall begin: Provided, That no person shall be required to remove any brick, stone, frame, or hewed log house heretofore erected, should they not be precisely on that part of their lot where they should have been built, but all persons hereafter building, shall build agreeably to the new survey, and every fence or small building, or any part of the same which may have been built on any street or alley of said town shall be removed.

Sec. 2. That to enable the commissioner aforesaid to perform the duties enjoined upon him by this act, he shall have power to examine witnesses on oath touching the original survey. He shall make out a correct map of said new survey verified by oath, and shall cause the same to be recorded in the Recorder's office of said county.

SEC. 3. The board doing county business for the county of Harrison, shall make a reasonable allowance to said commissioner for his services and incidental expenses, to be paid out of the proceeds of the sale of lots in said town, had by virtue of an act entitled "an act to vacate a part of the public square in the town Corydon," approved February 6th, 1835.

Sec. 4. This act to take effect and be in force from and after its publication in the Corydon Whig; to be paid for by the county of Harrison.

CHAPTER XXXVII.

An Act to Incorporate the town of Cambridge City, Wayne County, Indiana.

[APPROVED, FEBRUARY 12, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Ritchey, Soloman Meredith, E. Finney, H. B. Denwiddie, George W. Whitman, S. T. Sharp, and James H. Hill, be and they are hereby appointed trustees of the corporation of said town of Cambridge City, to serve as such until the first Monday in March 1842, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. That the said trustees, at their first meeting, after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, and preserve order, put all questions, and upon an equal division of the board, give the casting vote, and at the close of each meeting, shall sign the minutes of the same; and the said trustees shall also at said meeting, appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and right.

SEC. 3. The said president and trustees of said town, and their successors in office shall be, and the same are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of "the President and Trustees of the town of Cambridge City;" and by their corporate name shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, and shall have power to make, use, and have a common seal, and the same to break, alter, and amend at pleasure; to ordain, order, establish, and put into execution and effect such by-laws, rules and ordinances necessary and proper for the benefit and convenience of the citizens of said incorporated town; and shall also have power to adopt and put in force such laws, ordinances and regulations as they shall deem necessary for the police, good government, and order of said town hereby incorporated, subject however to the restrictions limitations and provisions hereinafter provided, and not inconsistent with the Constitution and laws of this State, or the Constitution and laws of the United States.

SEC. 4. That the said president and trustees or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday of March, A. D. 1842, and annually thereafter, there shall be an election held at some convenient place in said town, to be designated by the said president and trustees, to elect by ballot seven trustees for said corporation, at which election each white male inhabitant of said town, who shall have the qualifications of a voter for state and county officers, and shall have resided within the bounds of said corporation three months [next]

preceding said election, shall be entitled to a vote at the same; ten days previous notice of which election shall be given by the president and trustees aforesaid, by publishing the same in some newspaper in said town, if there be one, otherwise by putting up written notices thereof in three of the most public places in said town, designating the time and place, when and where said elections are to be holden.

SEC. 5. The president and trustees, at their meeting preceding the annual elections, shall appoint an inspector of all elections whose duty it shall be to attend the same, and call to his assistance two other qualified voters, who shall be Judges of said elections, and they shall appoint two clerks of the same, all of whom, after being sworn or affirmed to a faithful discharge of their duties as such, shall proceed to receive the votes between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., on said day: Provided, however, that if the said inspector shall not be present, the electors may choose one to act in his place at such election. And provided also, That if the electors should fail to meet, or the president and trustees fail to give notice of any election, the corporation shall not, thereby, be dissolved, but the president and trustees then in office shall continue until others, their successors, are elected at an annual meeting of the electors.

SEC. 6. It shall be the duty of the Inspector and Judges of such election to certify, under their hands and seals, the seven persons, who receive the highest number of votes, which certificate shall be filed and put on record, by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the seven persons returned, which certificate shall be sufficient authority for such person to take his seat as trustee; the trustees thus elected, or a majority of them, shall meet within ten days after such election, and, after taking an oath or affirmation faithfully, diligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside as in the second section of this act; in case of his absence at any meeting of the board, they shall appoint a President pro tem; no person shall be eligible as a trustee, unless he is a qualified elector, and also a freeholder or householder within the bounds of the corporation; when vacancies happen by death, resignation or otherwise, such vacancies shall be filled by appointment of the trustees until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournments, and appoint their officers as in the second section of this act.

SEC. 7. It shall be the duty of the President to sign all laws, ordinances, and decrees of a public nature, and also to sign the records of all their by-laws, and journals or minutes of their proceedings; and at the first meeting of the president and trustees after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a Clerk, a Treasurer, and Marshal, each of whom shall serve one year, or until their successors shall be chosen and qualified; and they shall possess the same qualifications as trustees, take a similar oath, and give bond and security payable to the president and trustees, condi-

tioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees as aforesaid, who may assign breaches upon the conditions of said bond or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs, and ten per cent. damages thereon, in any court having jurisdiction of the same, and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy annually, and collect a tax on real property not to exceed one percent. on its valuation, exclusive of improvements; and on all shows, exhibitions, or amusements, which may be exhibited for gain, not less than three, nor more than ten dollars for each exhibition; and may levy and collect a poll tax on all the male inhabitants, in said town over the age of twenty one years, not to exceed one dollar, each; also they may levy a tax on any specific article or articles of personal property; and in addition to the above, the said president and trustees may levy and collect a tax on real property not exceeding one half per cent. on its valuation, either including or excluding improvements, at the discretion of the said president and trustees, for the purpose of paying for, or making any improvements on the Cambrige City Seminary, or for the purpose of purchasing a fire engine, as the said president and trustees may direct.

SEC. 9. The president and trustees shall have power to pass such laws, ordinances, or decrees as may be nesessary to guard against damage by fire; to organize fire companies, and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be considered a public nuisance, and generally to enforce by proper penalties, the observance of all laws and ordinances relative to the po-

lice and government of said incorporated town.

SEC. 10. The limits of the corporation shall extend to and embrace the plat of the town of Cambridge, also the plat of the town of Cambridge City, including the out-lots, with any addition or additions which have been or hereafter may be made thereto, as the same is, or may hereafter be entered on record, in the recorder's office of said Wayne county; and for the purposes of good government, the removal of nuisances, the suppression of gambling, horse racing, tippling, or any other immoral conduct, the limits of said corporation shall extend one mile from the bridge across West river, on the National road in said corporation, in every direction. *Provided*, That no tax for corporation purposes shall be levied or collected from persons residing without the limits of the town plat."

SEC. 11. The president and trustees shall, in the month of April of each year, appoint a lister, who shall take an oath of office, and give bond and security, to be approved of by the said president and trustees, conditioned for the faithful discharge of his duties as lister:

after which he shall proceed forthwith to make a fair list, in alphabetical order, of all persons subject to tax, together with such property as the president and trustees may direct him to list; also of all lots, or fractional lots, particularly noting the number and description thereof, the owners name, if known, and whether resident or non-resident. After having completed such assessment, he shall call to his assistance two freeholders who, after having been sworn faithfully and impartially to value the real property, exclusive of improvements so listed, shall, with the lister, proceed to value the same; and such lister shall, on or before the fifteenth day of May next succeeding, make return to the clerk of the corporation of such list and assessment.

Sec. 12. The president and trustees shall, in the month of May in each year, levy a tax on the property so listed and returned by said lister, and appoint a collector, who shall take an oath and give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully pay over all monies that may come into his hands as collector to the treasurer of the corporation, or to such person as may be authorized to receive the same; said collector

shall hold his office one year, unless sooner removed.

Sec. 13. The president and trustees shall cause the clerk to make out a fair list of all persons taxable with personal property and with real property, its valuation, setting forth the owner's name, if known, the amount of tax chargeable to each person, and the amount charged on each article, and deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained on such list to the treasurer; such list so put into the hands of the collector, certified by the president and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

SEC. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of July in each and every year, and to account and pay the same over to the treasurer immediately, and in all cases when the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same, by distress and sale of any of the personal property of such delinquent, subject to execution, by the laws of this State, by giving ten days notice of the time and place of such sale, by advertisements set up in three of the

most public places in said incorporated town.

Sec. 15. In all cases where the tax due and owing cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due thereon, by giving twenty days notice of the time and place of such sale, in some weekly newspaper published in said town, or by posting up five written notices, in the most public places in said town, in which notices he shall describe the lot or lots to be sold, by their proper number, or some other certain description, with the owner's name, if known, or the person's name to whom it is supposed to

belong, and file one of said advertisements with the clerk of said corporation, to be filed by him among the records of said corporation. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots, so offered for sale, and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and cost, and that said purchaser will be entitled to receive a deed for the same, at the end of two years, unless the owner, or some person for him, her, or them shall redeem the same, on or before that time, by paying to said purchaser, his, her or their heirs or assigns, the amount of the purchase money, with one hundred per cent. thereon, or deposit the amount with the clerk of the corporation, whose duty it shall be to make an exhibit of the same to the president and trustees, at their next meeting, which, if correct, shall be entered on record: Provided, however, That nothing in this act shall be so construed as to contravene any of the provisions of an act to provide a

fund for common schools, approved Feb. 2, 1832.

SEC. 16. In case the owner of any lot, or fraction of lot, so sold as aforesaid, his, her, or their agent or attorney shall not pay the amount of the purchase money with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector then in office to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or fraction of lot, which deed acknowledged and recorded agreeably to law, shall vest the right and title to said real estate in the purchaser, his heirs or assigns, and divest the owner or owners of any title thereto; and the assessment made on such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such lot, after the time of such assessment, shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act: Provided, That in all cases where lots are listed and the owner's name not known, such sale shall be valid and good to the purchaser.

Sec. 17. The collector may adjourn his sale from day to day, for three days, and if, at the adjournment of his sale at any time, any lot or lots should remain unsold for the want of buyers, he shall make return thereof, and the amount of the tax and cost shall remain as a lein upon such lot or lots, and shall be added to the next year's assessment, together with one hundred per cent. thereon. The collector shall be allowed a fee of fifty cents for each sale and certificate

and the expense of advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings, and the sales made, to the clerk of the corporation, on or before the first day of September, annually, and pay over to the treasurer all moneys by him collected; at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct and true.

SEC. 19. All bonds, given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of the "President and Trustees of the town of Cambridge City," and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of "the town of Cambridge City," without setting forth the name of

any member thereof.

SEC. 20. It shall not be lawful for any person or persons, within the bounds of the corporation, to sell any less quantity than one quart, except for the use of the sick, of any spiritous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, or the board doing county business, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year or less, at one time, on his, her, or their paving into the treasury of the corporation, a sum not less than three nor more than fifty dollars, at the discretion of the president and trustees of said town. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she, or they, so offending, shall, upon conviction thereof, in an action of debt, or on the case brought by the president and trustees against the offender or offenders, before a justice of the peace, or any court having jurisdiction thereof, recover any sum of money, not more than twenty nor less than three dollars, for any violation of this section; and shall, upon conviction thereof by presentment or indictment, (in which indictment it shall not be necessary to recite this act,) in any court of competent jurisdiction, be fined in any sum not more than fifty nor less than three dollars for the use of the county seminary. And for the better regulation of the peace and good government of the town, the said president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society; and for the purpose of carrying into effect the provisions of this act, the said president and trustees are hereby authorized to appoint a marshal for that purpose who shall give bond, take an oath of office, and be a peace officer.

SEC. 21. Whenever the owners of any lots on any street or section of a street, shall be desirous of making any improvement on the same by grading, gravelling, or paving said street or sidewalks thereof, or any other improvement on said street or sidewalks, two-thirds of the owners of lots on said street or sidewalks by themselves, their tenants, or occupants thereof, representing two-thirds of the whole number of feet on each side of said street or section thereof, or two-thirds of the whole number of feet on one side of any sidewalk, and shall by petition represent to the president and trustees of said incorporation, plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees

to cause the same to be done in the best and most economical manner agreeably to the wish of said petitioners. And the expense of such improvement shall be assessed and levied on all the lots fronting on said street or sidewalk, equal [equally] per foot, for the distance such improvement may be intended to extend, which assessment and levy from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation, to enter such petition on record, with the petitioners' names, the number of feet front owned or represented by each, and shall make out and deliver to the collector of the corporation, a list of the owners' names, the number of feet front owned by each individual, the rate of expense on each lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot; which list, signed by the president and certified by the clerk, shall be sufficient authority for said collector to proceed and collect the same; and if the owner or occupant of any lot or part of a lot, shall neglect or refuse to pay the amount so assessed and levied, for the space of three months after such levy, the collector shall proceed to collect the same by sale of such lot or part of lot, or so much thereof, as will pay the amount so levied; and in such sale and conveyance to the purchaser thereof, he shall in all respects be governed by the fifteenth and sixteenth sections of this act; and the right of redemption shall be the same as is provided by the fifteenth section of this law. And if any such lot or fraction of lot shall not sell for want of buyers, or any other legal cause, the same may be re-offered by such collector, from time to time, until the same shall be sold, adding the costs that may accrue at each time, for advertising, &c.; and the collector shall be entitled in addition to the cost of advertising, to the same fee for such sale as he is allowed in the seventeenth section of this act for making sale and certificate; and for making a deed to any real estate, sold under the provisions of this act, the collector making the same, shall be allowed fifty cents, and twenty-five cents for having the same acknowledged, to be paid by the person receiving said deed.

Sec. 22. All laws and ordinances passed by the president and trustees, of a public nature, shall be published either in a newspaper printed in the town, or by setting up in five of the most public places in the corporation, written copies thereof, ten days before the same shall be in force. And it shall be the duty of the president and trustees in the month of March, in each and every year, to cause a full statement of all receipts and expenditures for the past year to be published, by posting up two copies thereof, in two public places in the corporation, or by publishing the same in some newspaper printed in town.

Sec. 23. It shall be the duty of the president and trustees to publish a copy of the by-laws and decrees of said corporation in some public newspaper in said county of Wayne, or by written copies

thereof, posted up in three of the most public places within said cor-

poration.

This act shall take effect and be in force from and after the citizens of said incorporation shall receive a certified copy thereof in said town.

CHAPTER XXXVIII.

conformations, to enter such partition, and represented by the personal names, the human bar of the front areas of represented by search, and

An Act to remove the disability of Anna Maria Gile.

[APPROVED, JANUARY 27, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That Anna Maria Gile, a married woman, may file her bill, or libel, for divorce from her husband, in any court of competent authority and jurisdiction in this State, immediately after the passage of this act; and her disability, by reason of not having resided in this State for two pears next preceding the filing of such bill, or libel, is removed. This act to be in force from and after its passage.

CHAPTER XXXIX.

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An Act for the benefit of Adam E. Rhodes.

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the trustees of the Methodist Episcopal Church of the town of Gilead, in the county of Miami be, and they are hereby authorized and empowered to re-convey lot No. one, in said town of Gilead, to Adam E. Rhodes, by executing to him a quit-claim deed, warranting the title of said lot to the said Rhodes against the claims of themselves, and their successors in office forever.

This act to take effect and be in force from and after its passage.

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public newspaper in said congry of Wayne, or by written copies

CHAPTER XL. Line 191 10481101072

C. That John W. Morris and Jones Hacker of the county

An Act to establish certain State Roads therein named, and for other purposes.

[Approved February 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas Harman of the county of Miami, is hereby appointed a commissioner, to view, mark, and locate a state road, to commence on the Logansport and Augustine state road, at the twelfth mile post, in Cass county; thence running in a north-easterly direction, crossing the middle fork of Twelve Mile creek, below the residence of Thomas Skinner; also crossing the north fork of said creek, below James Reed's saw-mill, and thence on the most practicable route to intersect the county road laid out from Perrysburgh to Daniels' mill, between Richard Levil's and Jonathan Shepherd's, and from thence running with the line of said road to Perrysburgh, in Miami county, and there intersect the present location of the route first mentioned.

SEC. 2. That the county road leading from Moses Ritter's mills, in Green county, to Fairplay, in said county, be, and the same is

hereby declared a state road.

Sec. 3. That Joseph Weeks, of the county of Orange, David Rice, of the county of Crawford, and Jacob Lasher, of the county of Perry, be, and they are hereby appointed commissioners, to view, mark, and locate a state road from Paoli, in the county of Orange, by the way of the tavern of Newton Stewart, in said county, to Troy, on the Ohio river, in the county of Perry; and it shall be the duty of said commissioners, or a majority of them, to meet at the town of Paoli, on or before the first day of November, 1841, and proceed to mark out and locate said road, on the nearest and best ground from point to point.

SEC. 4. That David [Gabriel] Stienbarger, of the county of Allen, be, and he is hereby appointed commissioner, to view, mark, and locate a state road, to commence at the south-east corner of section eighteen, in township number thirty-two north, of range twelve east, in Allen county, at the state road leading from Fort Wayne, in Allen county, to Lima, in La Grange county; from thence in a north-westerly direction, to the west boundary of said section eighteen; thence north to the north-west corner of said section, and from thence to

Augusta, in Noble county.

Sec. 5. That the twenty-second section of a act entitled, an act to establish certain state roads therein named and for other purposes, approved February 22d, 1840, be, and the same is hereby revived, and that the commissioners named in said twenty-second section, meet at the house of George A. Pool, on the first Monday in May next, or at such time within sixty days thereafter, as they may agree upon, and take an oath faithfully to discharge the duties required of them by the act to which this is an amendment.

Sec. 6. That John W. Morris and Jonas Hacker, of the county of Kosciusko, be, and they are hereby appointed commissioners, to view, mark, and locate a state road, commencing at the county seat of Whitley county, thence on the nearest and best ground, to the village of Oswego, in Kosciusko county, thence on the nearest and most practicable route, to the town of Leesburgh, in the county last aforesaid.

SEC. 7. That section forty-nine of the act entitled, an act to establish certain state roads therein named, and for other purposes, approved February 18, 1839, be, and the same is hereby repealed.

SEC. 8. That John McLean and William D. Porter, of Boone county, be, and they are hereby appointed commissioners to view, mark, and re-locate a part of the state road leading from Indianapolis to Crawfordsville, commencing at a point on said road where the line dividing the land of John Gibson and James Trotter in said county crosses said road, thence the nearest and best way in the direction of Indianapolis to the line between the counties of Boone and Hendricks, to a point where said road now crosses the said county line; and the said commissioners shall, on the first day of June next, or within sixty days thereafter, proceed to view, mark, and relocate the aforesaid road, on the nearest and best route between the points aforesaid, making such changes in the present location, as they may consider necessary for the public good, having due regard to the interests of the public, and the party or parties through whose land the said road passes, not interferring with any valuable improvements.

SEC. 9. That the seventh section of an act entitled, an act relating to state roads, approved February 24th, 1840, vacating that part of the Plymouth and Huntington state road, that lies between the town of Warsaw, Kosciusko county, and section eight, in township thirty-three north, of range five east, be, and the same is hereby repealed; and so much of said road as said section of said act vacates,

be, and the same is hereby re-established.

Sec. 10. That Joel Owens and Henry Cooprider, be, and they are hereby appointed commissioners, to re-locate so much of the state road leading from Osborn's ferry in Owen county, to Terre Haute, as lies between Middlebury, and the North-east corner of James Ferrel's farm, commencing at Middlebury, running on the rock road as near as may be to the bridge over the big slough on the Bowling Green and Carlisle state road; thence to cross Eel river, at or near Epraim Walker's farm; thence on the nearest and best route to the North-east corner of James Ferrel's farm as aforesaid.

SEC. 11. That a State road be, and is hereby established, between Lagrange in Lagrange county, and Northport in Noble county; and Calvin Chase, and David B. Herriman are hereby appointed viewers.

to view, mark, and locate said road.

SEC. 12. Be it further enacted, That a state road be, and is hereby established between Auburn in DeKalb county, and the road leading from Ft. Wayne in Allen county to Lima in Lagrange county, at a point near the dwelling house of William Mitchell in Noble county; and William Mitchell, Asa Brown and Wesley Park are hereby appointed viewers.

SEC. 13. Be it further enacted, That a state road be, and is hereby established between Auburn in DeKalb county, and the dwelling house of William Cochran, (or a point as near as may be to the same,) in Lagrange county; and Wesley Park, and the said William Coch-

ran are hereby appointed viewers.

SEC. 14. Be it further enacted, That a state road be, and is hereby established, from Middlebury in Elkhart county, thence across the Little Elkhart river; thence on the North-east side of said Elkhart river to the saw mill of Amos Davis in Lagrange county; thence across the Little Elkart river to the south side; thence south-east to intersect the section [line] between sections 32 and 33, township 37 north, range 8 east; thence with said line at or near the quarter stake, between sections 8 and 9, township 36 north, range 8 east; thence east or south east, on the best ground, to intersect the White Pigeon road near the bridge, across a swamp north of Haw-patch, and thence to terminate; and Amos Davis, and Nehemiah Coldren are hereby appointed viewers.

SEC. 15. Be it further enacted, That a state road be, and the same is hereby established, from Northport in Noble county, to the bridge across Pigeon river, above Thompson's mill in Steuben county, and crossing the road from Union mills to Ft. Wayne, at some point near the south west corner of Brushy prairie, and passing Prentiss's Saw mill, and the south end of Otter lake; and William S. Prentiss and

Samuel Westcott are hereby appointed viewers.

SEC. 16. That the road leading from Newburgh, in Warrick county, via. Miller's mill, to Princeton in Gibson county, be, and the same is hereby declared a state road.

Sec. 17. That the state road leading from Rochester in Fulton county to Winnemac in Pulaski county, be, and the same is hereby vacated; and the act establishing said road, be, and the same is here-

by repealed.

SEC. 18. That Terrissa Ogle be, and she is hereby authorized to change the state road leading from Danville in Hendricks county, to Rockville in Parke county, where the said road runs through the county of Putnam; the said change to be made between the following points, and run in the following direction, viz: leaving the present road where it now crosses Eel river, and running a direct course up the west side of said river, to John Ogle's mills, thence west to intersect said state road, at or near where John Ogle now lives.

SEC. 19. The old road between the above mentioned points shall not be vacated, until satisfactory proof shall be made to the board doing county business for the county of Putnam, that the new way is opened as convenient for transportation and travelling as the old

road is at this time.

SEC. 20. That John Grantham of Carroll county be, and he is hereby appointed a commissioner to view, mark, and locate a state

road in Carroll county, as follows, to-wit: commencing at Carrollton on the Wabash river; thence west directly on the township line dividing townships number twenty-five and twenty-six, until it intersects a state road leading from Pittsburgh in Carroll county, to Monticello in White county, via Scheetz's mill, on Tippecanoe river.

SEC. 21. That William Worthington is hereby appointed a commissioner to view, mark, and locate a state road, as follows: beginning at the centre of the main cross street in the town of Maysville, Fountain county; thence on said street to the Wabash river; thence on the east bank of said river to the range line dividing ranges six and seven; thence crossing said river at or near said range line; thence on said range line to where it intersects a road (formerly the state road from Independence to Lafayette) near James Riggs' in Warren county; thence the nearest and best route to Independence in said county. The county commissioners of Fountain county shall pay the said William Worthington a reasonable compensation for locating said road.

SEC. 22. That William Fisher of the county of Dubois, William R. Jones of the county of Spencer, and Drury Norton of the county of Martin be, and they are hereby appointed commissioners to mark out and locate a state road, beginning at Mount Pleasant in Martin county, from thence by the way of Haysville, Jasper, and Huntingburgh in Dubois county; thence to Gentrysville in Spencer county.

Sec. 23. That James Clements of the county of Franklin be, and he is hereby appointed a commissioner to re-locate and survey so much of the state road leading from Laurel to Brookville as is herein described, viz: beginning at the top of the hill east of Little Duck Creek near the farm of Summers G. Smith; thence running in a southeasterly direction to the line dividing sections thirteen and twentyfour; thence east with said line to the top of the hill half way between the two Duck creeks; thence a little south of east to the road leading from Metamora to Blooming Grove; intersecting said road a few poles south of the mouth of Jennings' run; said commissioner may vary between the extreme points as the public good may seem to him to require.

SEC. 24. That Elijah Reese and John Huffman of the county of Clay be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at the north-west corner of section thirty, in township eleven north, or range seven west; thence the nearest and best way to Anguilla in said county.

SEC. 25. That Isaac Knight of Pike county, James W. Chochran of Gibson county, and Patrick Regan of Vanderburgh county, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Evansville in Vanderburgh county, to Petersburgh in Pike county, on the nearest and best route, without injuring private property.

SEC. 26. That so much of an act entitled, an act to establish certain state roads therein named, and for other purposes, approved, February the 24th, 1840, as is contained in sections seventy-five, seventysix, seventy-seven, and seventy-eight, as comes within the perview of the last foregoing section be, and the same is hereby repealed.

SEC. 27. That James L. Hogan, of the county of Grant, be and he is hereby appointed a commissioner to view, mark, and locate a state road, on the nearest and best ground, from Marion, in Grant county, to Indianapolis, in Marion county: Provided, That if said commissioner shall be of opinion that the public interest will be as well served by intersecting the main road leading from Indianapolis by way of Noblesville to Strawtown, at Strawtown, or between said town and Indianapolis, he shall have power to do so.

Sec. 28. The eighteenth section of an act entitled an act to establish a certain state road therein named and for other purposes, ap-

proved February 18, 1839, is hereby repealed.

Sec. 29. That John Ruble of St. Joseph county and David Stoner of Laporte county, be and they are hereby appointed commissioners to locate, mark, and survey a state road as follows, viz: Beginning at a point on the Michigan road, near Vinnedge's old place, about four miles north of Plymouth; thence by the nearest and best route to the village of North Liberty; thence to the dry landing on the Great Kankakee; thence across the river and marsh on the road already commenced; thence by the way of J. B. McDonald's the nearest and best route to Independence; thence to the centre of section seventeen, in town thirty-seven north, of range one west; thence with the half section line until it intersects the Chicago road at the village of Byron.

SEC. 30. That a state road be, and the same is hereby established from Middlebury in Elkhart county; thence crossing the Little Elkhart river; thence on the north east side of said Elkhart river to the saw mill of Amos Davis in Lagrange county; thence to cross the Little Elkhart to the south side; thence south east, so as to intersect a section line between sections thirty-two and thirty-three, township thirty-seven north, range eight east; thence with said line at or near the quarter stake, between sections eight and nine of townships thirty-six north, of range eight east; thence east or south east, on the best ground, so as to intersect the Pigeon road at or near the bridge across a swamp on the north of the Haw Patch in Lagrange county.

SEC. 31. That Adam Keefer of Delaware county, Jonathan Green of Randolph county, and Thomas Wheat of Jay county, are hereby appointed commissioners to view, mark, and locate a state road commencing at Albany in Delaware county; thence to Fairview in Randolph county; thence with the county road east until it intersects the Greenville and Marion state road; thence to Evansville; [Ewings-] ville; thence to Portland; thence to Brownsville; thence to Hall & Galaspie's mills; thence to the Ohio state line, such point as they may deem most expedient; and said commissioners shall meet at the town of Albany in Delaware county, and proceed to discharge their duties in the manner prescribed by this act.

SEC. 32. Be it further enacted, That a state road be and the same

is hereby established, from a point on the road between Lima and Fort Wayne, where the township line crosses said road near Kendall-ville in Noble county, running thence on said line as near as may be until it intersects the Fort Wayne and Goshen state road; and William Mitchell, Sylvanus Rice, and George T. Ulmer are appointed viewers.

SEC. 33. That the commissioners appointed to locate the road from Harrisonville, Martin county, to Paoli, Orange county, be authorized to connect the roads from Orleans to Harrisonville via Natchez, and from Harrisonville to the French Lick at some convenient point or points east of the East Fork of White River; and that the two roads west of said river, be, and the same are hereby vacated.

SEC. 34. That Thomas West and Ezekiel Pitts be, and they are hereby appointed commissioners to view, mark, and locate a state road, beginning at Bowlinggreen in Clay county, thence on the nearest and best ground to the north west corner of section number thirty in township number eleven, north of range seven west, to intersect the state road leading from Lockport in Vigo county to the feeder

dam in Clay, at the Vigo county line.

SEC. 35. That George McCulloch, of the county of Jasper, be, and he is hereby appointed commissioner to view, mark, and locate a state road beginning at Front street, in the town of Ransellear, the county seat of Jasper county, thence to the south east corner of section twenty-four, in range seven west, thence west with said section line to William Wyatt's; thence north of Wm. Mallot's, senior; thence to Robert Mallot's; thence to Long Point, south of Frederick Higs, and thence on the nearest and best route to the state line in the direction of Chicago.

SEC. 36. That James Cummings and John Palmer of the county of Delaware, be, and they are hereby appointed commissioners to view, mark, and locate a state road, to commence at Yorktown in said county, and thence crossing White river and the prairie north of said town, at the same place that the Huntington state road crosses the same, and from thence the nearest and best route until it intersects a certain state road at or near John Palmer's, near the summit level

on the Central Canal.

Sec. 37. That so much of the Urbanna and Terre Haute state road as lies between Urbanna and the bridge across the Cross-cut Ca-

nal, be, and the same is hereby vacated.

SEC. 38. That Benjamin H. Fisher of the county of Wabash, be and he is hereby appointed a commissioner to locate a state road, commencing at a point commonly known as Sutton's ford on the Mississinewa river, in the county of Grant, running thence on the nearest and best ground to where the old road crosses the forked branch, in Wabash county; thence to the bridge over the Wabash and Erie Canal, on the line dividing ranges five and six; thence north on or near said line until it intersects the Wabash and Chippewa state road in said county of Wabash.

SEC. 39. That Allen Halderman of the county of Wabash, be and he is hereby appointed a commissioner to locate and mark a

state road, commencing at the bridge across Eel river, opposite the town of Manchester, in the county of Wabash; running from thence on the nearest and best ground to the southeast corner of section twenty-nine, township thirty north, of range seven east; from thence to Michael Knoops' dwelling; from thence to the dwelling house of Jacob Mitsker, in the county of Kosciusko; thence the nearest and best way to intersect the Warsaw state road, at such point as will be most conducive to the public good.

SEC. 40. That Frederick C. Webb of the county of Warren, be and he is hereby appointed to view, mark, and locate a state road, to commence at the town of Newton, in Jasper county; thence, taking into consideration the interest and convenience of those owning farms on the proposed route, the nearest and best way to the town of Independence, in Warren county; thence to the state road leading from Attica to Lafayette, at the centre of section ten, in town twenty-one, north of range seven west, in the county of Fountain.

SEC. 41. That the commissioners named in this act, except where otherwise provided, shall meet at the place of holding courts in each county, or at some other place more convenient to be agreed on by the proper commissioners, on the first Monday of April next, or within sixty days after this act shall have been deposited in the clerk's office of their county, and take an oath or affirmation faithfully to discharge the duties required of them by the provisions of this act before some person legally authorized to administer oaths; said commissioners shall employ surveyors and chain carriers for the purposes of locating said roads, who shall receive for their services such compensation as the boards doing county business shall deem just and reasonable; and each commissioner hereby appointed shall receive one dollar and fifty cents per day for each day that he may be necessarily employed in the location of said roads, except in cases otherwise provided by this act, which shall, together with the pay of the persons employed by them, be paid out of any money in the respective county treasuries not otherwise appropriated, except in cases otherwise provided for in this act.

SEC. 42. Should either of the commissioners in this act named, die, remove, or refuse or neglect to qualify and discharge the duties enjoined, on being informed thereof, it shall be the duty of the board doing county business in the county where such commissioner resided, to fill such vacancy, which may be done at any session of the said board, previous to the next session of the legislature; and the commissioner so appointed shall be governed in all respects in the same manner, and proceed to discharge the same duties, as if he had been appointed by this legislature; and when the commissioner or commissioners shall have discharged the duties required by this act, they shall report the same to the board doing county besiness in their respective counties, who shall order the same to be recorded in the books kept for that purpose, or for recording their proceedings, and after recording the same as a state road, shall

cause the same to be opened and kept in repair in the same manner

as other roads are kept in said county.

Sec. 43. That all state roads hereby authorized to be located shall not exceed sixty feet, nor be less than forty feet in width, and when the commissioner or commissioners shall have made their return to the proper board doing county business in their respective counties and such road received, such recorded width shall remain unchanged.

SEC. 44. That when any state road shall run through more than one county, each county shall pay or defray the expenses of locating such road in proportion to the length of said road in each county through which the same may pass, except in cases otherwise provi-

ded for by this act.

SEC. 45. That so much of the Delphi and Crawfordsville state road as lies between the mill of J. C. Elston and the county road leading from Crawfordsville to John Hillman's mill, be and the same is hereby vacated: *Provided*, That the said J. C. Elston opens at his own expense, a road from the mill aforesaid to some point on the turnpike road from Lafayette to Crawfordsville in the direction of the bridge over Sugar creek.

Sec. 46. That it shall be lawful for supervisors of public roads and highways to enter enclosures and take timber, stone, or earth for the purpose of improving or repairing roads or highways under

their control.

SEC. 47. This act to take effect and be in force from and after its passage.

CHAPTER XLI.

An Act to carry into effect an act entitled "an act establishing a state road therein named," approved February 15, 1839.

[APPROVED FEBRUARY 2, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jacob Bedinger, of the county of Decatur, and William Holloway, of the county of Bartholomew, be and they are hereby appointed commissioners to act with Stephen Andrews, the commissioner heretofore appointed, in the county of Ripley, to locate the road named in the act to which this is an amendment; said commissioners being governed in all respects, by the provisions of said act.

SEC. 2. That said commissioners named in the first section of this act shall meet on or before the first day of May next, at the town of Versailles, and in case of failure of one or more of said commissioners to meet, as in this section directed, it shall be the duty of the board doing county business in the proper county, to appoint some suitable person to perform the duties of said commissioners, at the

first session after they shall have been informed of the failure of any one or more of said commissioners to act.

Sec. 3. That so much of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repealed.

Sec. 4. This act to be in force so soon as a certified copy thereof can be forwarded to Stephen Andrews, one of said commissioners.

CHAPTER XLII.

An Act vacating part of a state road therein named.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of a state road, commencing at the Logansport and Goshen state road, at the half mile stake on the section line, dividing sections four and five, in township thirty-three north, of range six east; thence running on an easterly direction to the state road leading from Goshen to Huntington, that lies west of a county road leading from Leesburgh to Syracuse, all in the county of Kosciusko, be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its

passage.

CHAPTER XLIII.

An Act to amend an act entitled an act relative to roads in Parke county, approved February 18, 1839.

[APPROVED, JANUARY 14, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the first section of the act to which this is an amendment, be and the same is hereby so altered, that it shall be lawful for the board of commissioners of Parke county to appoint a surveyor, for the purpose in said section mentioned, at any regular session of said board, before the first day of June, in the year eighteen hundred and forty-three.

SEC. 2. It shall be lawful for said board to do any other business authorized by the act to which this is an amendment, at any regular session thereof previous to the first day of June, A. D. 1843.

SEC. 3. That it shall be lawful for the said surveyor to perform all the duties required of him by the said act, any time after his appointment as by said act is required of him, before the first day of December in the year A. D. 1843.

This act shall take effect and be in force from and after its pas-

sage.

CHAPTER XLIV.

An Act to declare certain names misprints, in the act concerning the state road from Washington to Portersville.

[APPROVED, FEBRUARY 3, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the forty-first section of "an act to establish certain state roads therein named, and for other purposes," approved February 24, 1840, be amended so that the name of "William Barlow" in the first line of said section shall be read and construed to mean "Samuel G. Smyth," and the name of "Charles Hankins" in said section, shall be construed to mean "Charner Hawkins."

SEC. 2. That Samuel G. Smyth, Ebenezer Jones, and Charner Hawkins, be and they are hereby authorized to proceed and discharge their duties, and be in all things governed by the act to which this is an amendment: *Provided*, That they may proceed to do the same, on the first day May next, or at any time within one year af-

ter the passage of this act.

This act to be in force from and after its passage.

CHAPTER XLV.

An Act to authorize John Brown to invest certain money in Bank Stock for the use of heirs.

[APPROVED, FEBRUARY 4, 1841.]

Whereas it appears by petition, that John Brown is the guardian of Dixon N. Brown, James J. Brown, Royce M. Brown, Henry L. Brown, and George J. Brown, infant heirs of Dixon Brown, de.

ceased, late of Lawrence county; and it appearing that there is in the hands of said John Brown, guardian of said infant heirs, a sum of money belonging to said heirs, distributable at their maturity: Therefore, for the purpose of said money, now in the hands of said John Brown, guardian as aforesaid, permanently a safe, and certain fund, and that it may produce the greatest amount of interest with the least danger of loss to said infant heirs, so that the greatest amount of benefit may be derived to said infant heirs: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That John Brown, guardian of Dixon N. Brown, James J. Brown, Royce M. Brown, Henry L. Brown, and George J. Brown, infant heirs of Dixon Brown deceased late of Lawrence county, be, and he is hereby authorized, to invest any money belonging to said infant heirs, now in his hands, or that may hereafter come into his hands, in stock in any of the Branches of the State Bank of Indiana for the sole use and benefit of said infant heirs.

This act to be in force from and after its passage.

CHAPTER XLVI.

An Act to provide for a State Road therein named.

[APPROVED, FEBRUARY 8, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That J. W. Downing, William Hedges, and G. W. Hunter, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Clinton, Vermillion county, Indiana, to the state line.

SEC. 2. Said road to commence at Samuel Davidson's on the road leading west from Clinton, thence to James Clark's, John Scott's, Sen'r.; thence to Shelletve's lane, and through the same, crossing Brulett's creek at the most suitable point for building a bridge; thence to the Indiana Furnace; thence to Hart's mill; thence to the state line at a point between the farms of William Hoop and G. W, Hunter, so as to intersect the state road leading from Parris, Illinois, to Clinton, Indiana.

SEC. 3. That the commissioners, after having taken an oath or affirmation, faithfully and impartially to discharge their respective duties, according to the provisions of this act, shall at any time before the first of April, 1841, proceed to view, mark, and locate said road, and within twenty days thereafter, to file a report of their pro-

ceedings in the office of the clerk of the county aforesaid.

SEC. 4. That the board doing county business, shall at their first meeting after the above report has been made and filed in the clerk's

office, cause said road to be placed under the care of the proper supervisor, whose duty it shall be to open and keep the same in repair, as other roads in this state.

This act to be in force from and after its passage.

CHAPTER XLVII.

An Act to authorize the citizens of Montgomery and Putnam counties to open part of the New Albany and Crawfordsville turnpike road therein named.

[APPROVED, FEBRUARY 3, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the citizens of Montgomery and Putnam counties interested therein, be, and they are hereby authorized to open and keep in repair at their own expense, that part of the New Albany and Crawfordsville turnpike road, lying between Parkersburgh in Montgomery county, and the bridge across Raccoon creek in Putnam county.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XLVIII.

An Act providing for a state road in the counties of Allen and Huntington.

[APPROVED, FEBRUARY 15, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Eli Blunt and Henry E. Decker shall be commissioners to lay out, mark, and locate a state road, commencing where the Fort Wayne and Huntington road crosses the section line, dividing sections twenty three and twenty-six of township number thirty north of range eleven east; thence to run [on] the best ground near said line, to the river Aboit; thence on the nearest and best route to where the old road crosses Calf creek, thence near said road to where the same crosses the canal five miles above Huntington.

SEC. 2. Said commissioners shall meet at the house of the said Eli Blunt in a reasonable time after the publication of this act, and proceed to lay out, mark, and locate said road, and make return thereof to the board doing county busines in said counties of Allen and Huntington, on or before the 1st November, 1841.

SEC. 3. That the county boards in the counties of Allen and Hun-

tington are hereby authorized, and it is hereby made their duty to pay or defray the expense of locating such road, in proportion to the length said road may run in each aforesaid county.

SEC. 4. This act to take effect and be in force from and after its

passage.

CHAPTER XLIX.

An Act to vacate a certain state road in Tippecanoe county.

[APPROVED, FEBRUARY 3, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That so much of the state road authorized to be located by the fourteenth section of an act entitled, "an act relating to state roads," approved, February 24, 1840, as lies within the county of Tippecanoe, shall be, and the same is hereby vacated; and the surveyed route of said road lying within the limits of the said county of Tippecanoe shall be vacated, and is hereby vacated as fully as if such route had never been surveyed.

This act to take effect and be in force from and after its passage

CHAPTER L.

An Act to re-locate a part of a state road therein named.

[APPROVED, FEBRUARY 4, 1841,]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Williams, Esq., of Delaware county, is hereby appoint ed a commissioner to change the location of the state road leading from Hagerstown in Wayne county, to Muncietown in Delaware county, and locate it as follows, to-wit: beginning at Mahlon Brunson's in Delaware county; thence the nearest and best route to intersect the Richmond and Muncietown state road, at or near New Burlington in Delaware county.

Sec. 2. Said commissioner after taking the necessary oath, shall employ chain-carriers and markers, if necessary, and proceed to the duties assigned him in the first section of this act, on or before the first Monday in July next, and file a report of the same in the clerk's

office of Delaware county within thirty days thereafter.

SEC. 3. Said commissioner shall be allowed one dollar and fifty cents for each day necessarily employed, and the chain-carriers and markers a reasonable compensation for their services, to be allowed by the county commissioners, and paid out of the treasury of Delaware county.

This act to take effect and be in force from and after its passage.

CHAPTER LI.

An Act to re-appropriate certain moneys therein named.

[Approved, January 25, 1841.]

Whereas, by an act of the General Assembly of the state of Indiana, approved, February eighteenth, 1839, entitled an act to establish certain state roads therein named, and for other purposes, Garet Sulivan, Oliver H. Heustis, and John Hansel, were appointed to locate a state road from the town of Aurora to the town of Dillsborough in the county of Dearborn. And whereas, at the same session an act was passed, entitled an act to provide for the distribution of the three per cent. fund of Dearborn county, approved, February the fifteenth, eighteen hundred and thirty-nine, by which last mentioned act, one hundred and thirteen dollars of said fund was placed in the hands of Jacob W. Eggleston of Dearborn county, to be expended on the above mentioned road, which road has never been located agreeably to the provisions of the above first recited act; by means of which the moneys above mentioned, still remain in the hands of said Eggleston, unexpended and useless to the county of Dearborn; therefore,

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of one hundred and thirteen dollars, mentioned in the preamble to this act, now in the hands of Jacob W. Eggleston of Dearborn county be, and the same is hereby re-appropriated to be expended on the present state road leading from Aurora to Dillsborough in Dearborn county, and that William Wheeler of said county, is hereby appointed a commissioner to superintend and direct the manner of its

appropriation.

Sec. 2. That the said William Wheeler is hereby authorized to rereive the moneys above mentioned, of the said Jacob W. Eggleston, and when expended agreeably to the provisions of this act, shall receive such a compensation for his services as shall be considered just and equitable, by the commissioners of Dearborn county, to be paid out of the county treasury for said county, out of any moneys therein not otherwise appropriated.

This act to be in force from and after its passage.

CHAPTER LII.

An Act concerning a State Road in Tippecanoe county.

[APPROVED, FEBRUARY 4, 1841.]

SEC. I. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business for the county of Tippecanoe, shall be authorized to order a gate to be erected and hung across the state road, leading from Crawfordsville to La Grange, in Tippecanoe county, at or near the south-west corner of township twenty-two north, of range five west, in said county, upon the petition of the citizens of the neighborhood thereof, which gate, when so erected and hung by the petitioners for the same, shall be kept in repair by said petitioners, and shall not be considered as an obstruction of the said state road, so long as the same shall be kept in repair, any law to the contrary notwithstanding.

SEC. 2. If any person or persons shall wilfully break, or pull down said gate, shall upon conviction thereof, before any court having jurisdiction thereof, be fined in the same manner, and to the same extent, that persons are liable for destroying and pulling down sign or

guide-posts, at cross roads when convicted thereof.

This act to be in force from and after its passage.

CHAPTER LIII.

An Act to locate and change the name of a certain road therein named.

[Approved, February 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That George Wright, William Swawn, and W. P. Dole, of the county of Vermillion, and John Hay and George N. Tillottson, of the county of Vigo, be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at the south-east corner of the north-east quarter of section seven, township thirteen north, range nine west, in Vigo county, to Clinton in Vermillion county, Indiana.

SEC. 2. The direction of said road shall be from the south-east corner of the north-east quarter of section seven, township thirteen north, range nine west, thence north to the south-west quarter of section twenty-three, town fourteen north, range nine west, thence to the south-east corner of the south-west quarter of the north-west quarter of section twenty-nine, town fourteen north of range nine west, thence north to the centre of the north-west quarter of the north-west quarter of section twenty-nine, town fourteen north,

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range nine west, thence to the state road at the south-east corner of the south-west quarter of the north-west quarter of section twenty, town fourteen porth, range nine west

town fourteen north, range nine west.

SEC. 3. That the county road leading from Chunnsford, on Brulett's creek, running north between the farms of Joshua Skidmore and William Swawn, and thence north to the state road leading from Clinton, to the Indiana furnace, be, and the same is hereby declared to be a state road, said road to be opened sixty feet wide, and George Wright and John Porter are hereby appointed commissioners to make all necessary changes in said road for the purpose of straightening the same so as to promote the public good.

SEC. 4. That the commissioners, after having taken an oath or affimation, faithfully and impartially to discharge their respective duties, according to the provisions of this act, shall at any time before the first day of June, 1841, proceed to view, mark, and locate said road, and make such necessary changes as they shall think proper to promote the public good, and within thirty days thereafter, to file a report of their proceedings in the offices of the clerks of the counties aforesaid.

Sec. 5. That the boards doing county business shall at their first meeting, after the report has been made and filed in the clerk's offices, cause said road to be placed under the care of suitable supervisors, whose duty it shall be to open and keep the same in repair, as other roads in this state.

This act to be in force from and after its passage.

CHAPTER LIV.

An Act authorizing the survey of a canal from Peru to the head of Salt river, and the Erie and Michigan canal.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William J. Holman, and William S. Hobart, are hereby permitted and allowed, at their own expense, and without any cost to the state of Indiana, to make a survey of a canal route, commencing on the Wabash and Erie canal, in the town of Peru, thence across Eel river, towards Mud Lake, to or near Rochester, thence to the head of Salt river, and down its valley to a point intersecting the Erie and Michigan canal route; ascertain its practicability, and probable cost, and report their proceedings in relation thereto, to the next session of the General Assembly: Provided, That nothing herein contained shall be so construed as to allow to the said Holman and Hobart any pay directly or indirectly in any manner whatever, for any services rendered in such location.

This act to be in force from and after its passage.

CHAPTER LV.

An Act to amend an act entitled "an act to establish a certain state road therein named, and for other purposes," approved February 24, 1840.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Adset of Delaware county is hereby appointed a commissioner to view, mark, and locate a state road named in the act to which this is an amendment, in place of Samuel Moore, Esq. of said county; and that Paul Keyser is hereby appointed a commissioner, in the place of Job Garner, to view, mark, and locate a state road named in the above mentioned act, commencing at the summit level on Pipe creek, and running to Wheeling in Delaware county.

This act to be in force from and after its passage.

CHAPTER LVI.

An Act to change certain state roads therein named.

[APPROVED, FEBRUARY 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Intiana, That Amos D. Coffey of the county of Owen, and William Nesbit of the county of Monroe, be, and they are hereby appointed commissioners to view, mark, and locate a certain change in the road leading from Bloomington in Monroe county to Smyth's ferry on White river in Greene county, and the road leading froom Wood's ferry on White river in Lawrence county, to Spencer in Owen county, to-wit: beginning about forty poles east of the line dividing the counties of Owen and Monroe, upon the present location of said roads; thence through the town of White Hall in Owen county, the nearest and best route to intersect the present location of the said Wood's ferry road; and from thence they shall mark and locate the Smyth's ferry road on the nearest and best ground so as to intersect the present location of said road, at or near the farm of Micajah Freeman in Owen county.

SEC. 2. The commissioners aforesaid shall, as soon as convenient after the passage of this act, after having taken an oath or affirmation faithfully and impartially to discharge the duties assigned them by this act, proceed to view, mark, and locate the change aforesaid, and make a report of their proceedings for record to the clerks of the

boards doing county business in the counties of Owen and Monroe, within twenty days after the location of such change.

SEC. 3. It shall be the duty of the boards doing county business in the said counties, at their session next succeeding the filing of such report, to cause the said road to be opened agreeably to, and under the provisions of the act for opening and repairing public roads and highways.

SEC. 4. That the commissioners aforesaid shall be allowed for their services a reasonable compensation by the boards doing county business in the respective counties.

This act to be in force from and after its passage. named in the act to which this is an amendment, in place of Samuel-Moore, Esq. of said country and that Paul Keyser is hereby appointed a commissioner, in the place of Jeb Carner, to view, mark, and let

-sisC m vailed W of CHAPTER LVII.

An Act to change a state road therein named.

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Archibald Carmichael, Charles Shelton, and William Olephant, be, and they are hereby appointed commissioners to view, mark, and locate that part of the state road leading from Bloomington to Bloomfield that runs through the farm of Charles Dudley.

SEC. 2. The said commissioners shall meet at the said Dudley's, at any time before the first of August next, and after taking the necessary oath, proceed to discharge their duties required by this [act,] as such commissioners, and report the same to the board of county commissioners of Greene county in thirty days thereafter, which report shall be received by said board of county commissioners, who shall allow the said road viewers such compensation as they may think just and right.

SEC. 3. This act to take effect and be in force from and after its ty, to-with beginning about forty poles east of the him of

counties of Owen and diopress, upon the present location of raid roads; thence through the town of White Hall in Owen county, the

nearest and best route to intersect the present location of the said Wood's ferry road; and true a grand Ann hall mark and locate the CHAPTER LVIIL

An Act to repeal an act therein named relative to a state road in Delaware county.

[Approved February 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That the sixty-fifth section of an act entitled "an act to establish certain state roads therein named, and for other purposes," approved February 24, 1840, be, and the same is hereby repealed, and that the act repealed by that act be, and the same is hereby revived.

SEC. 2. This act to take effect and be in force from and after its passage. The read society shall not hold real estate to a read the said that five thousand doltars, nor personal property to a greater

come possessed of a greater amount of real or personal estate than

the sums aforesaid, by devise, purchase, or otherwise, then it shall be the duty of said society to sell or dispose of the same. pulled of vision ed. CHAPTER LIX. soliges van de and

An Act to incorporate the Preachers' Aid Society.

[Approved, February 12, 1841.]

WHEREAS, on the twenty-second day of October, eighteen hundred and thirty-six, an association of individuals, formed a society called the Preachers' Aid Society of the Indiana Conference of the Methodist Episcopal Church, for the purpose of applying the proceeds of several bequests and donations then made, and which might thereafter be made for the relief of superanuated, indigent itinerant ministers of said church, their wives, widows, and children: Therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Havens, William H. Goode, Calvin Fletcher. C. I. Hand, Alfred Harrison, William Quarles, John Wilkins, A. W. Morris, and William Hannaman are hereby constituted a body politic and corporate by the name and style of "the Preachers' Aid Society of the Indiana Conference of the Methodist Episcopal Church," and by such name may have perpetual succession, hold, purchase, receive, enjoy, and transfer any property, real and personal, have and use a common seal, alter [and] change the same at pleasure, be sued, sue for and recover on all notes, bills, bonds, evidences of debt, donations, bequests, devices of goods, chattels, lands, and tenements heretofore at any time made, or which may hereafter be made, executed or given in any firm or name for the benefit of said society, in any court having the jurisdiction of the subject matter.

SEC. 2. There shall be an annual meeting of the members of the society at the time and place appointed by their constitution; at which time and place, the officers of the society, named in said constitution, shall be elected, who shall continue in office until the next annual meeting, and until their successors are elected. The members of such society at such meeting, may alter and amend their constitution, change the time of holding their annual meetings, and frame such laws for the government of such society as they shall think proper, the same not being inconsistent with the laws and constitution of

this state.

said corporation

SEC. 3. The officers of such society may make such rules for their own government, and for carrying into effect the objects of the society, not inconsistent with its constitution, as they shall think proper; all which, together with their receipts and disbursements, shall be reported to the annual meetings of the society.

SEc. 4. Said society shall not hold real estate to a greater amount than five thousand dollars, nor personal property to a greater amount than one hundred thousand dollars; and if they should become possessed of a greater amount of real or personal estate than the sums aforesaid, by devise, purchase, or otherwise, then it shall be

the duty of said society to sell or dispose of the same.

Sec. 5. Any application of the funds of the society to banking purposes shall be considered and treated as a violation of this charter: Provided, That nothing in this section shall be so construed as to prevent the funds of the society from being vested in the stock of the state bank of Indiana: And provided, That the said corporation shall never charge more than legal interest.

SEC. 6. That any future Legislature, by a vote of a majority of each House, shall have power to repeal, alter, amend, or modify this act, but such repeal, alteration, amendment, or modification, shall not divert the property or funds of said society from the

purposes herein expressed.

Sec. 7. This act shall be taken and received in all courts as a publie act.

This act to be in force from and after its passage and publication,

O. I. Handy Alfred Harrison, William Quarles John Wilkins, As

tic and corporate by the using and style of the Proachers'

CHAPTER LX.

lied wheel a facility more representative and the property and the policy of the property of t

An Act declaring a certain name therein a misprint, and for other purposes.

[Approved, February 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Samuel Ferrill, in the 124th section of an act entitled an act to establish certain state roads therein named, and for other purposes, approved February 17, 1838, be, and the same is hereby declared a misprint, and that the name of James Ferel be inserted in its stead.

Sec. 2. That the duties performed by said James Ferel of Vigo. and Daniel Harris of Clay county, by virtue of the 124th section of the act to which this is an amendment, be, and the same are hereby legalized, so far as that survey extends to the feeder dam in Clay county.

SEC. 3. That the board of commissioners of the county of Vigo, and the board doing county business in the county of Clay, be, and they are hereby directed to receive the report of said James Ferel and Daniel Harris, in relation to their duties, under said recited act. This act to take effect and be in force from and after its passage.

Sec. 6. Hereafter it shall be lawful for the mayor and council of

sales by order of Court, or under or cution, or by executors and administrators, within said oity, and by such ordinance to fix the rate to be paid on anotion sales within said city not executing three per CHAPTER LXI.

An Act to amend an act entitled an act to incorporate the City of New Albany, and to repeal all laws now in force, incorporating the town of New Albany, approved Feb. 14, 1839.

[APPROVED, FEBRUARY 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the recorder of the City of New Albany shall have and possess power to issue all writs authorized by the laws of this state to be issued against steam boats or other water craft, or their masters or owners, and to proceed to hear and determine all cases, arising under such writs within the limits of Floyd county, without regard to the sum in controversy; Provided, that in all cases where the demand, exclusive of interest, shall exceed the sum of one hundred dollars, service shall be had at least ten days before either party shall be required to proceed to trial; And, provided also, that all parties shall have the right to appeal from the judgment of said recorder in the same manner that appeals are taken from the judgments of justices of the peace within this state.

SEC. 2. That said recorder shall have authority and power to take and certify depositions, affidavits, acknowledgements of deeds, mortgages, powers of attorney, and other instruments; and such acts so done by said recorder, shall have and possess all the authority and validity, as if taken before and certified by a justice of the peace, and he shall be paid the same for such services as now are allowed to

justices of the peace for the same. Sec. 3. That hereafter when any person or persons shall be convicted or found guilty by the judgment of any justice of the peace, or the city recorder of the City of New Albany, under the by-laws, ordinances, or charter, of said City of New Albany, and shall be sentenced to pay a fine therefor, it shall be a part of the judgment of said justice or recorder that such defendant or defendants, shall stand committed to the common jail of said county, until the fine and costs are paid or replevied.

SEC. 4. That hereafter no member of a fire company of said City shall be subject to pay road tax or to work on any road or highway within said city or the county of Floyd, and such members of fire com-

panies shall be exempt from poll tax for city purposes.

SEC. 5. The mayor and council of said city, shall have power by ordinance to cause the streets and alleys of said city to be cleaned. and kept clean of all filth or rubbish at the expense of the owner or owners, occupant or occupants of the property fronting on and contigous to such street or alley.

SEC. 6. Hereafter it shall be lawful for the mayor and council of said city, by ordinance, to tax auctioneers and auction sales, except sales by order of Court, or under execution, or by executors and administrators, within said city, and by such ordinance to fix the rate to be paid on auction sales within said city not exceeding three per

centum.

SEC. 7. That any law heretofore in force requiring said mayor and council to publish their ordinances or by-laws, in two of the newspapers of said city; and all laws limiting said mayor and council in the levy of taxes to fifty cents on the hundred dollars worth of property, together with all other acts or parts of acts which come within the purview of this act, be, and the same are hereby repealed.

SEC. 8. This act to be in force from and after its publication in

print by order of said mayor and council.

dollars, service shall be LIXI STRAND'S before either party shall be required to provided also that

such writs within the limits of East county, without regard to the

sunt in controversy. Proceeding that in all cases whore the de-

An Act to locate a State road therein named.

Sales of Towood L. [Approved, February 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Barnes, and Samuel Suman of Madison county, and William Jones of Delaware county, be, and the same are hereby appointed commissioners to locate and mark out a state road, commencing in Madison county at Alfred Makepeace's mill, and running east on the township line between township nineteen and twenty until it strikes white river, thence along the meanders of said river, until it strikes Munceytown in Delaware county.

SEC. 2. The commissioners so appointed, after taking an oath or affirmation, shall proceed on the first Monday of April next, or any subsequent day thereafter, to make out and locate said road accord-

ing to the provisions of this act.

SEC. 3. Said commissioner shall be governed by the act relating to public roads and highways, approved, February 17, 1838.

This act to be in force from and after its passage. within said city or the county of Floyd, and such members of fire com-

CHAPTER LXIII.

An Act to authorize the board of commissioners doing county business within and for the county of Switzerland, Indiana, to establish a toll bridge over Indian creek, in said county.

[APPROVED, JANUARY 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners doing county business, in the county of Switzerland, Indiana, at any regular term thereof, be, and they are hereby authorized and required to hear and determine, the justice of the claims of Jacob Weaver, James S. Long, Neil McCallum, James Munn, and Gabriel Hall, for expenditure by them made, of money, labor, and materials, in the erection of the bridge lately built across Indian creek in said county, and on such hearing to determine the amount of the claims to which they are respectively entitled, and enter the same of record.

SEC. 2. When said claims are so allowed, said board shall if justice require it, authorize said claimants to use said bridge for a period of time, to be by them limited, as a toll bridge; and said board shall be authorized and required, to fix annually thereafter, the rate of tolls to be charged, and received by said claimants, for property and passengers, which may pass over said bridge, in the same manner as

tolls for ferries, are directed to be assested.

SEC. 3. The county of Switzerland may, at any time, purchase the said toll bridge of said claimants, by reimbursing them the amount of their said outlays without interest.

SEC. 4. This act to take effect and be in force from and after its

passage.

the purposes of the band; they may make a capital stock not exceeding two thousand dollars, in shares of five dollars each, to be taken or belaingonings of a CHAPTER LXIV. of son edt vd bled bas

musical instruments, or books, that new hold and devote the same to

An Act to amend an act entitled "an act to incorporate the Delphi Insurance Company," approved February 4, 1837.

[APPROVED, FEBRUARY 10, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the time for holding elections for directors of the Delphi Insurance Company is hereby changed from the first Monday of October in each year, as now required by the sixth section of an act to which this is an amendment, to the first Monday of March in each

This act to take effect and be in force from and after its passage,

CHAPTER LXV.

An Act to incorporate the Liberty Band.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Norman M. Ross, George R. Chitwood, James B. Sleeth, Solomon Maker, George C. W. Thompson, Robert W. Wilson, Charles S. W. Ross, Benjamin F. Burnside, James Cully, Alexander B. Nixon, Carlton Dormire, Monroe Conwell, William E. Rose, and their associates and successors, of the county of Union, be, and they are hereby constituted and declared to be a body politic and corporate by the name and style of the Liberty Band, with perpetual succession, and with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity, and in all courts of legal proceedings whatever; to make, have, and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said Liberty Band is hereby authorized to adopt a constitution, and make, establish, and enforce such by-laws, rules, and ordinances under said constitution, as they may deem proper, not inconsistent with the constitution and laws of the United States and

of this state.

SEC. 3. Said band may make and appoint all officers necessary for the management and direction of the association, may regulate the manner of appointing or electing such officers, together with their time of service, and may make such rules and regulations for the reception, control, and expulsion of members as they may think

necessarv.

SEC. 4. Said band may receive donations in money, property, musical instruments, or books, and may hold and devote the same to the purposes of the band; they may make a capital stock not exceeding two thousand dollars, in shares of five dollars each, to be taken and held by the members of the association, to be appropriated to the procuring of musical instruments, books, and instruction, or any kind of property necessary for their convenience in accomplishing the objects of the association, and may convey, alien, or sell any or all such property and divide the proceeds among themselves, according to the proportion of their stock.

SEC. 5. The legislature reserves to itself the right to amend,

alter, or annul this act of incorporation at any time.

This act to be in force from and after its passage.

Spc. 2. Said Washington Band is hereby authorized to adopt a constitution; to make, e.HVXLI STTAHOSuch by-laws, rules, and ordinances under said constitution; or they may deem proper, not in-

An Act to re-locate the Rockport and Bloomington state road in the county of Martin, and relative to the New Albany and Vincennes turnpike road.

[APPROVED, FEBRUARY 10, 1841.]

SEC 1. Be it enacted by the General Assembly of the State of Indiana, That Alvin Gather and William T. Mitcheltree be, and they are hereby appointed commissioners to re-locate the Rockport and Bloomington state road, in the county of Martin, commencing at section ten, town four, and range three in said county, and intersecting the said road near the county line dividing the counties of Lawrence and Martin; the said commissioners shall meet at the town of Harrisonville in Martin county, on the first Monday in May, or any subsequent day they may agree on, and after taking an oath, diligently, faithfully, and impartially to perform the duties assigned them by this act, shall proceed to view and re-locate a permanent state road between the points aforesaid.

SEC. 2. That the word "trip" in the last proviso to the eighth section of an act entitled "an act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes," approved, February 22, 1840, relative to the toll to be paid by mail stage coaches travelling over said road, shall be construed and taken to mean going and returning.

This act to be in force from and after its passage.

APPROVED PERSONNELS, 1841.] CHAPTER LXVIII.

An Act to incorporate the Washington Band of Laporte.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That John M. Lemon, Jr., Daniel W. Whitmore, John B. Fravel, Urial C. Follette, Wm. G. Reynolds, William Barbour, Robert L. Cobbs, Charles H. Reeve, Jonas Ostrander, Nelson T. Place, and Wm. G. Hand, and their associates and successors, be, and they are hereby constituted and declared to be a body politic and corporate, by the name and style of the Washington Band of Laporte, with perpetual succession, and with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity, and in all courts of legal proceedings whatsoever, to make, have, and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said Washington Band is hereby authorized to adopt a constitution, to make, establish, and enforce such by-laws, rules, and ordinances under said constitution, as they may deem proper, not inconsistent with the constitution and laws of the United States and of this state.

SEC. 3. Said board may create all officers necessary for the management of the association; may regulate the manner of appointing or electing such officers, together with their time of service, and may make such rules and regulations for the reception and expulsion of

members as they may deem necessary.

Sec. 4. Said corporation may receive donations in money, property, musical instruments or books, and may hold and devote the same to the purposes of the Band. They may make a capital stock, not exceeding two thousand dollars, in shares of five dollars each, to be taken and held by the members of the association, to be appropriated to the procuring of musical instruments, books, or instruments, or any kind of property necessary for their convenience in accomplishing the objects of the association; and may convey, alien or sell, any or all such property, and divide the proceeds among themselves according to the proportion of their stock.

Sec. 5. This act to be in force from and after its passage.

CHAPTER LXIX. COLOR HI SO OF THE SHAPE

for pilled purposes," upprayed, Rebruary 22, 1610, relative to the following

to be paid by faul stage coaches travelling over said road, shall be

An Act to amend an act entitled "an act to incorporate the town of Indianapolis, in the county of Marion," approved, February 17, 1849.

[APPROVED, FEBRUARY 3, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of persons qualified to vote for president of the common council of said town, to elect a marshal for said town at the same time, and in the same manner that the president of the common council is elected.

Sec. 2. Said marshal shall perform all the duties now required of him by the ordinances of the president and common council, and such as shall by them from time to time be required of him; he shall give bond in such penalty and with such security as shall be approved of by said president and common council, for the faithful discharge of his duties.

SEC. 3. The president and common council shall fill by appointment any vacancy that may occur in the office of marshal, until the next annual election, and until a successor shall be elected and qualified.

This act to be in force from and after its passage.

CHAPTER LXX.

An Act to amend an act entitled "an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek in Deurborn county, approved, February 22, 1840.

[Approved, January 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the act entitled "an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek in Dearborn county," approved February 22, 1840, be, and the same is hereby so amended as to allow Daniel J. Hancock and Isaac Hancock, their agents or assigns when said bridge shall be completed, to demand and receive a toll not exceeding the following rates, to-wit: Every four wheeled carriage or wagon drawn by four horses or oxen, twenty-five cents; every wagon or carriage drawn by three horses, eighteen and three-fourth cents; every wagon, carriage, gig, buggy, or sleigh drawn by one or two horses, twelve and one-half cents; each person and horse, six and one-fourth cents; each person, six and one-fourth cents; each head of horses, jackasses, mules, or neat cattle, three cents; every head of sheep or hogs, one cent each; but all persons going to and returning from public worship on the Sabbath day shall be exempt from paying any toll.

SEC. 2. The said bridge is to be commenced in one year from the passage of this act, and finished within three years, otherwise this act, and the act to which this is an amendment, shall be null and void.

SEC. 3. So much of the act to which this is an amendment as comes within the purview of this act, be, and the same is hereby repealed.

SEC. 4. Any application of the funds aforesaid for erecting said bridge to banking purposes, shall be considered and treated, as a vio-

or An Act to incorporate the town of Cartisle, Sallivan county, of Idalic

That Ranson W. Aikin, James K. O'Havery Edward S. Husseyy Abra-1818

Jem M. Wilson, William Price, Benson, Riggs, Hamet W. Helmes, et

Isaac Beauchamp, and William W. Sullivan be, and they are hereby

the "President and Trustees of the town of Carlisle," and by that name along

lation of this charter.

This act to be in force from and after its passage.

CHAPTER LXXI.

An Actauthorizing an additional justice of the peace and constable in Jackson township in the county of Putnam.

[Approved, February 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the qualified voters of the township of Jackson in the county of Putnam, on the first Saturday in May 1841, to elect one additional justice of the peace and constable to reside within the limits of the village of New-Maysville in said township: Provided, That at least thirty days notice of the time of holding such election be placed up in three of the most public places in said township previous thereto.

This act to be in force from and after its passage.

CHAPTER LXXII, TO TWEET PRINTED TO

demand and receive a tall not exceeding the following rates to util

twenty-five cents; every wagon or carriage drawn by three horses,

An Act to repeal an act to incorporate the town of Lebanon in the county of Boone

[Approved, Ferruary 15, 1841.] and another than

Be it enacted by the General Assembly of the State of Indiana, That the act to incorporate the town of Lebanon, in the county of Boone, approved February 17, 1838, be, and the same is hereby repealed.

This act to be in force and take effect from and after its passage.

CHAPTER LXXIII.

bridge to banking pargoses, shall be considered and treated, a

An Act to incorporate the town of Carlisle, Sullivan county.

[APPROVED, FEBRUARY 8, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Ranson W. Aikin, James K. O'Haver, Edward S. Hussey, Abraham M. Wilson, William Price, Benson Riggs, Hamet N. Helmes, Isaac Beauchamp, and William W. Sullivan be, and they are hereby constituted a body corporate and politic, by the name and style of the "President and Trustees of the town of Carlisle," and by that name

shall sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction, to make, use, and have a common seal, and the same to alter and amend at pleasure, to ordain, establish and put into execution, any by-laws, rules, and regulations, as they shall deem proper and necessary for the police and good government of the town hereby incorporated, subject to the restrictions hereinafter mentioned, and not inconsistent with the laws and constitution of the state and of the United States.

Sec. 2. The trustees above named shall hold their office until the first Monday in January 1842, and until their successors are elected and qualified as hereinafter directed.

Sec. 3. The said trustees, at their first meeting after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, preserve order, put all questions, and upon an equal division of the board give the casting vote, and shall also sign the minutes and all laws and ordinances of the said corporation: *Provided also*, upon absence of the president, said board shall have the power of electing a president pro tem., whose duties shall be the same as those of president.

Sec. 4. The said trustees shall have power to lay off said town into four wards; and on the first Monday in January 1842, and annually thereafter, there shall be an election held at the seminary or some other convenient place in said town, to elect by ballot a president and eight trustees, two trustees being selected from each ward; at which election, each citizen being a qualified voter for state officers, having resided within the bounds of said corporation six months next preceding such election, shall be entitled to vote at said election, twenty days notice of which election shall be given, publishing the same in a newspaper printed in said town (if there is one) or other wise by posting notices thereof in three of the most public places in said town.

SEC. 5. The president of said board shall act as the inspector of elections; he shall call to his assistance two other qualified voters, as judges of election, and one person as clerk. After having taken an oath to discharge faithfully their duties, they shall proceed to receive votes for trustees, between the hours of ten o'clock A. M. and three P. M. on said day. It shall be the duty of the inspector and judges of such election to certify under their hands and seals, the names of the eight persons who shall have received the highest number of votes, designating therein the ward they are elected to represent, which certificate shall be filed and spread on the record book of said corporation, by their clerk, whose duty it shall be to give to each a certificate of election, which shall be sufficient to entitle such person to his seat: Provided, That if the president be not present, the qualified voters shall elect an inspector: And provided, That if the electors should fail to elect trustees at the annual election, the corporation shall not be dissolved, but the trustees then in office shall continue until such election is held at an annual election thereafter: And provided, That

if there should be a tie in any wards between candidates for trustees, then lots shall be cast by the inspector and judges to determine between them.

Sec. 6. No person shall be eligible to the office of trustee, unless he be a qualified voter and freeholder within the bounds of such corporation. When vacancies happen by death, resignation, or otherwise, such vacancies shall be filled by the board until the next annual meeting. A majority of said trustees shall form a quorum; they shall meet on their own adjournment; shall appoint all the officers necessary to carry into effect the provisions of this act. and shall make to them such compensation for their services, as shall be reasonable and just; and it shall be the duty of the president to sign the records of all by-laws and journals of proceedings, which shall also be attested by the clerk of said corporation, and after a copy thereof of a public nature, attested by the clerk and signed by the president, with the seal of the corporation, should they have one, shall be published as provided for by the fourth section of this act for the election of trustees; such laws and ordinances shall be in force from time of publication; all others to be in force from and after their passage and signed as aforesaid.

SEC. 7. The president and trustees, at their first meeting in each year, or as soon thereafter as may be convenient, shall proceed to elect a clerk, treasurer, assessor, and marshal, each of whom shall serve one year and until his successor is qualified; they shall possess the same qualifications as trustees, take similar oaths, give bond and security, payable to the president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any part of the conditions of said bonds they shall be liable to pay to the president and trustees the full amount in arrear, together with full costs and ten per cent. damages thereon, and six per cent. per annum on the whole amount recovered from the time the same should have been paid over until the day of payment; all of which may be recovered on motion made in the circuit court of the proper county, ten days previous notice of such motion having been given, and the said court is hereby required to enter judgment against such officer, unless he show to the court satsfactory cause why the said judgment should not be entered, and said judgment when entered shall have all the force and effect which judgments now have against the officers of the county, and shall be governed accordingly; or on failure to perform all or any part of the conditions of said bonds, the principals and securities, or either of them, may be proceeded against by suit upon his official bond, judgment be had thereon for the debt, interest, damages and costs above mentioned, upon which the same proceedings may be had as before mentioned.

SEC. 8. The president and trustees shall have full power and authority to assess and collect from each male resident within said corporation, of full age, (the same not a pauper) any sum not exceeding fifty cents in each year, as a poll tax, and also a tax on real pro-

perty, not in any one year exceeding one half per cent., exclusive of improvements; and also upon all shows and exhibitions or amusements, which may be performed for gain, a tax not more than twenty dollars nor less than five for each performance; and in assessing and collecting the annual revenue, under the direction of the president and trustees, all assessors and collectors shall in all respects be governed by the laws which now are or may hereafter be in force, regulating the assessment and collection of the state and county revenue, except that the marshal shall make his return of the receipt for the collection of the annual revenue to the president and trustees.

SEC. 9. It shall be the duty of the marshal to serve all process and orders directed to him by the president, except he shall be absent or sick, or interested in the same; in which case it shall be the duty of the president to name some fit person for that occasion, who shall have the same power as the marshal in like cases; he shall be a collector of all the levies of said corporation of whatsoever nature; he shall be a peace officer, and it shall be his duty to report to the president all violations and infractions of the penal regulations of the corporation which may come to his knowledge. In the service of all process, and in the collection of all taxes, whether by distress, sale, or otherwise, the marshal shall be governed by the same rules and regulations, and be entitled to the same fees as sheriffs, collectors, and constables would be entitled to in similar cases; and in all cases of distress and sale by the marshal, of real or personal property on process directed to him by the president for the collection of taxes, such sale shall be valid in law and equity as if the same had been made by a sheriff, collector, or constable. And all certificates and deeds given for the sale of real estate, shall be as binding as if the same had been made by a sheriff or collector, and shall be redeemable in like manner.

Sec. 10. That whenever any owners of lots on any street, or section of street, shall be desirous of making any improvement on the same by grading or paving said street, or the side walk thereof, or any improvements, and two thirds of the resident owners of lots on said street, or section of street, by themselves or agents, representing two thirds of the whole number of feet owned by resident owners on such street or section of street, shall, by petition, represent plainly and distinctly the improvement contemplated to be made, it shall be the duty of the corporation to cause the same to be done in the most economical manner, agreeably to the wish of the petitioners; and the expense of such improvement shall be assessed and levied on all the lots lying on said street, or section of street, equally per foot, for the distance such improvement may be intended to extend; which assessment and levy, from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so levied shall be paid and discharged. It shall be the duty of the clerk of the corporation to enter said petition on record with the petitioners' names, the number of feet owned or represented by each, and make out and deliver to the marshal, a list of

the owners' names of lots on said street, the number of feet owned by each individual, the rate of expense on said lot or fraction of lot, and the amount levied and assessed for such improvement on each; which list, signed by the president and certified by the clerk, shall be sufficient authority for the marshal to proceed to the collection of the same; and if the owner or agent of any lot or part of lot, shall refuse to pay the amount so assessed and levied, within three months after such levy, the marshal shall proceed to collect the same by sale of such lot or fraction, or so much thereof as will pay the amount so levied; and in such sale, he shall in all respects be governed by the eighth section of this act, and the right of redemption shall be the same as is provided in the ninth: *Provided*, however, That the president may have the power of setting the day of sale of lots for taxes levied by virtue of this section.

Sec. 11. All resident male citizens, living within the corporation of said town, between the ages of twenty-one and fifty years, (persons exempted by law or excused by the president and board of trustees) shall be exempt from paying a road tax for personal privilege and for all property within said town; but in lieu thereof they shall be required to labor a full equivalent upon the streets and alleys and to the limits of said corporation, on each and every road leading from said town under the direction of the marshal, who is hereby declared to be a supervisor of said streets, alleys and roads, and every one who shall neglect so to work, after having three days notice thereof, shall for each day he so neglects or refuses, forfeit and pay the sum of seventy-five cents, to be recovered by an action in the name of said marshal for the uses of said corporation, before some court of competent jurisdiction; Provided, however, that those persons who do not live upon the plat of said town, yet are within the limits of the corporation as hereinafter provided, shall be entitled to work the same as though they were living in said town.

Sec. 12. The president and trustees shall also have power to make and enforce all necessary by-laws, ordinances and regulations, to preserve order, regulate the streets and alleys, establish markets, to procure the necessary engines and apparatus, guard against destruction by fire, organize fire companies, preserve public property, prevent public nuisances, and remove the same and to declare what shall be a nuisance, and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of said town.

SEC. 13. The president shall be a conservator of the peace; he shall have power to issue process under his seal, in any matter relating to a violation of this act, or if any of the by-laws passed by the corporation, to assess fines for a violation of the same, and issue execution for their collection to the marshal, whose duty it shall be to serve and execute the same as fully as any constable may now or hereafter have in executing the laws of the state; and the said president, while thus acting, shall keep a record of his proceedings and be entitled to the same fees as justices of the peace are now entitled

in similar cases; which record, or a copy thereof certified by him with his private seal, shall be evidence in any court; appeals may be taken from the decisions of the president, to the circuit court of the proper county, the same as from descisions of justices of the prace.

SEC. 14. It shall be the duty of the keeper of the jail of Sullivan county, to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of said president, to safely keep every such person or persons, according to the warrant or precept of commitment until he, she, or they shall be discharged according to law.

SEC. 15. It shall be the duty of the president and board of trustees of the corporation, in the month of December in each year, to cause a full statement of the receipts and expenditures to be published in the manner hereinbefore specified for the publication of the laws

and ordinances of the corporation.

Sec. 16. No license shall be granted by the board of commissioners of the county of Sullivan for the retail of spirituous liquors, foreign or domestic, or to keep what is commonly called a tipling house, to any person or persons within the bounds of the corporation, unless such person shall have first obtained a recommendation signed by a majority of the free-holders living within the bounds of the same, which recommendation shall specify that the keeping such grocery or tipling house, is necessary for the public good, and that the person or persons so applying are well qualified to keep the same, and are persons of good moral character. The person or persons, in addition to a license obtained from the board of commissioners of the county, for the retail of spirituous liquors, shall also obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year, or less at any one time, on such person or persons paying unto the treasurer of the corporation a sum not less than ten nor more than fifty dollars at the discretion of the president and trustees of said town; and if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to this act, he, she or they so offending, shall on conviction thereof in an action of debt or on the case brought by the president and trustees against the offender or offenders, before a justice of thepeace or any court having competent jurisdiction any sum of money not more than twenty nor less than five dollars, for every violation of this act, and shall also upon conviction thereof, by presentment or indictment, (in which indictment it shall not be necessary to relate this act) in any court of competent jurisdiction, be fined in any sum not more than thirty nor less than ten dollars, for the use of the county seminary; in issuing a license by the corporation, the clerk shall be entitled to receive the same fees as the clerk of the county.

Sec. 17. That so much of the act entitled "an act to license and regulate taverns and groceries," approved February 3, 1832, which contravenes the provisions of the sixtenth section of this act, be, and the same is hereby repealed, so far as the same would operate in the

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SEC. 18. On any quesion or proposition to be acted on by said truestees, the ayes and noes shall be recorded by the clerk at the re-

quest of any member of the board.

SEC. 19. It is hereby made the duty of the several justices of the peace, and constables resident in said town of Carlisle, to have and maintain jurisdiction under, and to enforce all by-laws and ordinances of said board of trustees, not inconsistent with the laws of the state, for which said justices and constables shall be authorized to charge and recover the same fees as are allowed by law for similar services in other cases: Provided, nothing in this section shall be so construed as to contravene the rights of the President under the thirteenth section.

Sec. 20. The limits of the corporation of said town, shall for the purpose of taxation and police, extend and embrace the platt of said town of Carlisle, including any additions which may hereafter be made to the same, and be entered of record in the recorder's office of Sullivan county; and for the purpose of police, good government, and for the removal of nuisances, working on roads, suppression of gaming, rioting, horse racing, tippling and other immoralities and improper conduct, the limits of said corporation shall extend one-half mile in every direction from the public square in said town: Provided, however, that that part of the citizens, who do not reside within the bounds of the town platt or its additions, shall not be called on to pay any tax, for the improvement of the streets or alleys of said town.

This act to take effect and be in force from and after its publication in the Jackson Democrat, a newspaper published in said town of

Carlisle, at the expense of said corporation.

CHAPTER LXXIV.

An Act to authorize the sale of the Asylum for the Poor in the county of Harrison.

[APPROVED, FEBRUARY 10, 1841.]

WHEREAS, it is represented to this General Assembly, that the property held by the county of Harrison as a farm for the poor, and paupers asylum is inconveniently situated, both for the paupers and the interests of said county: THEREFORE,

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business for the county of Harrison aforesaid, be, and they are hereby authorized to sell the said asylum for the poor on such terms, and at such time as to the said board shall seem proper, including the land and hereditaments and appurtenances thereof.

SEC. 2. And in order more effectually to execute said purpose, said board may appoint an agent for the sale of said property, who shall execute bond with security, and under a penalty to be approved by said board, payable to said county of Harrison, conditioned for the faithful execution of the trust aforesaid, and said agent shall execute and deliver a deed or deeds of conveyance to the person or persons purchasing said property in such manner, and on such terms as may be directed by said board doing county business.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXV.

An Act to incorporate the Philolethean Society in Jefferson county.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Newton Saunders, Thomas McCutchen, John Mason Bishop, and their successors and associates are hereby constituted a body politic and corporate, and shall be known by the name of the "Philolethean Society, in the county of Jefferson," and by that name shall have power to sue and be sued, to form a constitution, and the same to alter or amend, to make and use a common seal, to hold personal property, to buy and sell or otherwise dispose of the same at pleasure, and shall have power to make by-laws, and to do and perform all other acts necessary to carry into effect the objects of this institution, not contravening any principle of the constitution and laws of the state of Indiana.

SEC. 2. The object to be promoted by this society shall be the establishment of a library, the dissemination of literature and science, and the improvement of the members of this society, in com-

position, and polemic discussion, and none other.

SEC. 3. As soon as convenient, after the taking effect of this act, the persons named in this act shall appoint a day, and give notice thereof, for a meeting of the society, and proceed to organize the same by electing their officers, who shall consist of a president, treasurer, and secretary, and all other officers necessary to promote the objects of the society, who shall hold their offices one year, or until their successors are chosen, and the said society shall meet according to their own appointments: Provided, That the constitution

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adopted by said corporation shall not be of any effect, unless the same shall be approved by the faculty of Hanover College.

Sec. 4. The members of this society shall be liable in their indi-

vidual capacity for all debts contracted.

SEC. 5. The legislature may at any time hereafter repeal this act. This act to be in force from and after its publication.

CHAPTER LXXVI.

An Act to amend an act entitled, an act to incorporate the town of Indianapolis. in the county of Marion, approved Feb. 17, 1838.

[APPROVED, FEBRUARY 13, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the above recited act as relates to that part of the donation lying west of White river, be, and the same is hereby repealed: and all laws and parts of laws coming within the purview of this act, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

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CHAPTER LXXVII.

An Act to locate a state road in Sullivan county.

[Approved, Febuary 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joshua Alsop, Owen Davis, and John Wallace, Esgrs., be, and they are hereby appointed commissioners to view, mark, and locate a state road from or near McUtchen's landing, on the Wabash river,

in Sullivan county, to the town of Carlisle, in said county. SEC. 2. The said commissioners, or any two of them, shall meet

at the house of John Wallace, Esq., on the first Monday in March next, or as soon thereafter as they may think proper, and after taking an oath or affirmation faithfully to discharge the duties assigned them, shall proceed to view, mark, and locate said road on the nearest and best ground that can be had between said points, and shall within thirty days thereafter, cause a report thereof to be filed in the clerk's office of said county, the same to be made a matter of record by the clerk of said county.

SEC. 3. That the board doing county business in said county of Sullivan, shall make such allowance to said commissioners for their services, as they shall deem just and reasonable.

SEC. 4. That it shall be the duty of the board doing county business to order said road to be opened any width not exceeding sixty feet, and made agreeably to and under the provisions of an act for opening and repairing roads and highways. pening and repairing roads and highways.

This act to take effect from and after it passage.

der the scale of the company, may be used as evidence in all courts CHAPTER LXXVIII.

An Act to incorporate the Terre Haute Cavalry.

- [APPROVED, FEBRUARY 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Elisha M. Huntington, Marvin M. Hickcox, Joseph O. Jones, and Callum H. Bailey, Jr. together with such other persons as now are enrolled as members of the Terre Haute cavalry, at Terre Haute, and their associates and successors, be, and they are hereby constituted and declared a body politic and corporate, by the name and style of the "Terre Haute Cavalry," and by that name shall have perpetual succession, with full powers to contract and be contracted with, sue and be sued, plead and be impleaded in any court of law and equity: Provided, always, That the individuals composing said company, and their successors, shall be liable for all contracts made for the use of said company. They shall have power to make and use a common seal, and the same to alter at pleasure; they shall have power to elect their own officers, and to make all needful regulations for the welfare of said company, and make and enforce bylaws which are not inconsistent with the constitution and laws of this state, or of the United States.

Sec. 2. The commissioned officers of the company shall consist of one captain, a first and second lieutenant, and a cornet, who shall be commissioned by the governor and hold their offices for the term of three years from the date of such commission: Provided however, That the said officers already elected and not commissioned, shall be so commissioned by the governor, on his receiving a certificate of their election under the hand of the now commanding officer of said company, and they shall hold their offices until the first Saturday in May, 1842, at which time a new election shall be holden, when the officers then elected shall be commissioned for the term of three years as aforesaid. The time and place of holding such election shall be announced to the company on the last regular parade day preceding the day of such election. Such election shall be by ballot, and a certificate thereof signed by the commanding officer, shall when transmitted to the governor authorize him to issue commissions ac-

cordingly. SEC. 3. Said company shall always be subject to the civil power, and liable when called on by the sheriff to assist in quelling riots and

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insurrections in the county of Vigo: and any person serving therein shall not be required to perform any other military duty during peace. All persons serving in said company seven years shall thereafter be exempted from military duty in this state, unless in case of war, insurrection, or invasion.

SEC. 4. The records of said company, certified copies thereof, under the seal of the company, may be used as evidence in all courts

of justice.

This act shall take effect and be in force from and after its passage: *Provided*, *however*, That the legislature may at any time alter, amend, or repeal the same.

CHAPTER LXXIX.

1. Be it enceled by the General Assembly of the Male of Indiana, lisha M. Hantington, Marvin M. Hudkoox, Joseph G. Jones,

An Act to incorporate the Centre Church of Crawfordsville.

[APPROVED, FEBRUARY 13, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Hosea D. Humphrey, Robert C. Gregory, O. P. Jennison, Benjamin F. Beezley, and Israel T. Canby, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of the "Trustees of the Centre Church of Crawfordsville," and by said corporate name, may sue and be sued, plead and be empleaded, in any court of legal proceeding in this state, and by that name have perpetual succession, and they shall, in law, by said name, be capable of purchasing, holding, bargaining for, and selling any property, either real or personal, for the use of said church, whether by legal or equitable title, not to exceed in value, twenty thousand dollars.

Sec. 2. They shall further be empowered to receive all and singular, any subscriptions, gifts, grants, donations, and bequests, which shall solely be applied to the use and benefits of such church, in the manner such trustees shall deem most proper and expedient.

Sec. 3. It shall be lawful for such trustees to hold meetings at such place, and at such times, and as often as it may suit them or as their business may require it, sit on their own adjournments, on the call of the proper officer or any one of their body, and to elect or appoint such officers, and establish such rules or by-laws for their government as they or a majority of them may see fit: *Provided*, however, That such rules or by-laws shall not be incompatible with the constitution of this state or of the United States.

Sec. 4. It shall be lawful for the members of the centre church of Crawfordsville to perpetuate this board of trustees by annual appointment, or in any way they may deem proper, and also to fill all

vacancies which may in any way occur. They shall also keep a record of their proceedings, which shall be open to the inspection of all persons concerned.

SEC. 5. The acts and doings of the former board of trustees of said church are hereby declared valid in law, the same as though they had been done under the provisions of this act; and the legislature hereby reserves the right to alter, amend, or repeal this charter at any future session.

This act to take effect and be in force from and after its passage.

CHAPTER LXXX.

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An Act to incorporate the Indianapolis Band of Musicians.

(Approved, February 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James McCready, Emanuel Haugh, Thomas M. Baker, Allison, E. S. A. Tyler, William Karne, William Jones, D. P. Hunt, John Gilliland, James Vanblaricum, James Hodge, James G. Jordan, James M. Sharpe, Nicholas N. Norwood, Aaron D. Ohr, John Hodgkins, Lafayette Yandes, Thomas D. Miller, Wm. Hoald, Wm. Gaby, Abraham Byrd, Jacob Smith, Samuel Delzell, — Kromkinitzky, — Bottlis, John D. Morris, James R. Nowland, and their associates and successors, be, and they are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Indianapolis Band," with perpetual succession, and with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity, and in all courts of legal proceedings whatever, to make, have, and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said band is hereby authorized and empowered to adopt a constitution, to make, establish, and enforce such by-laws, rules, and ordinances, under said constitution as they may deem proper, not inconsistent with the constitution and laws of the United States and of the state of Indiana.

Sec. 3. Said band may make and appoint all officers necessary for the management and direction of the same; may regulate the manner of appointing or electing such officers, and their term of service, and make such rules and regulations for the reception or expulsion of members, as they may deem meet and proper.

SEC. 4. Said corporation may receive donations in money or property, and may purchase property, musical instruments, or books, and may hold the same, and devote the same to the purposes of the band, and may convey, alien, or sell any or all such property.

SEC. 5. The legislature reserves to itself the right to amend, alter, or annul this charter at any time hereafter.

This act to take effect and be in force from and after its passage.

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Special strains by CHAPTER LXXXI.

An Act to incorporte the town of Wilmington, in Dearborn county.

[Approved, February 12, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Glenn, Nelson H. Torbet, Ebenezer Dumont, Amour Flake, Benjamin Vail, and Ephraim Glasgow, be, and they are hereby appointed trustees of the town of Wilmington, in the county of Dearborn, to serve as such until the first Monday in March, 1842, and until their successors are elected and qualified, as herein after directed.

Sec. 2. The said trustees shall hold their first meeting on the first Monday in March next; shall choose a president from their own body, who shall preside at all meetings of the board, preserve order, put all questions, and, upon an equal division, give the casting vote, and at the close of each meeting shall sign the minutes thereof; and the said trustees shall also at said first meeting appoint all officers necessary to carry into effect the provisions of this act, and make such compensation to such officers, as to the majority of said board may seem reasonable.

SEC. 3. That the said president and trustees of said town of Wilmington, and their successors in office, shall be, and the same are hereby declared a body politic and corporate, with perpetual succession, by the name and style of "The President and Trustees of the Town of Wilmington," and by their corporate name, shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, and shall have power to make and use a common seal, and the same to alter and break at pleasure, to ordain, establish, and put into execution, and carry into effect such bylaws, rules, ordinances, and regulations necessary and proper for the benefit and convenience, good government and police of said town.

SEC. 4. The limits of said town shall, for the purpose of taxation and police, extend to and embrace the original plat of said town of Wilmington, with any addition or additions which have been or may hereafter be made to said plat, as the same is or may hereafter be entered of record, in the recorder's office of said county of Dearborn.

SEC. 5. The said president and trustees, or a majority of them, shall, at their meeting next preceding the first Monday in March,

1842, lay off said town into as many wards as they may deem necessary, each of said wards having at least seven legal county voters, resident therein. The number of wards shall not exceed eleven, or be less than five. And on the first Monday in March, 1842, and annually thereafter, there shall be an election at the court house, or some other convenient place, in said town, to elect by ballot, one trustee for each ward, who shall reside therein; at which election each white male citizen of said town, who shall have the qualification of a voter for state and county purposes, and who shall have resided in said town twelve months next preceding such election, shall be entitled to vote at such election. Ten days notice of such election shall be given by the president and trustees aforesaid, by written notices, set up in three of the most public places in said town, designating the time and place of holding such election.

Sec. 6. It shall be the duty of the president with one trustee, or in the absence of the president, then one trustee in his stead, to act as judges of the election. It shall be the duty of the clerk to keep a correct list thereof, and give written notice of their election, to the persons so elected. No person shall be eligible to the office of trustee, until he is a qualified elector, and a freeholder or householder of said town, and a resident of the ward for which he is elected. If a vacancy shall occur in the office of trustee for any ward or wards, by death, resignation, or otherwise, the remaining trustees shall appoint some person or persons, to fill the same until the next annual election. They shall meet on their own adjournments. They shall elect some suitable person, either from their own body, or the body of the electors of said town, who being qualified, shall enter upon the duties of his office as clerk to the president and trustees; he shall be the keeper of the seal, records, and files of the corporation, and a copy thereof, certified by him, under the seal of the town, shall be sufficiently authenticated to be admitted as evidence in any court of this State.

SEC. 7. If at any time for the holding of annual elections under this act, there should from any cause whatever, be no election held for trustees, the said corporation shall not thereby be dissolved, but the president and trustees then in office, shall continue in office, until successors shall be elected at an annual election for said town.

SEC. S. The president and trustees shall, on the first Monday in April, in each year, appoint a treasurer, who shall give bond in such sum as they may require, conditioned for the payment over to the persons authorized to receive the same, all moneys which may come into his hands as such treasurer. They shall, also, at the same time, appoint an assessor, who shall take an oath of office, after which he shall proceed forthwith, to make out a fair list in alphabetical order of all persons subject to taxation, with a statement of their property, real and personal, together with a numerical list of all lots, with the assessed value thereof; and such assessor shall on or before the 16th day of May next ensuing, make return of such assessment to the clerk of the corporation.

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SEC. 9. The president and trustees shall, in the month of May, in each and every year, levy a tax on the property so assessed, and appoint a collector to collect the same, who shall take an oath of office, give bond and security, to be approved by the president and trustees, conditioned that he will faithfully discharge his duty and pay over to the treasurer of said corporation, all moneys that may come into his hands as such collector, and shall hold his office for one year, unless sooner removed.

SEC. 21. The president and trustees shall cause the clerk to make out a fair copy of such assessment list, setting forth the amount of tax due from each individual, and shall deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained in such duplicate to the treasurer; such duplicate so put into the hands of the collector, certified by the president and attested by the clerk, shall be sufficient authority for the

collector to collect the taxes charged thereon.

SEC. 11. It shall be the duty of the collector to receive the amount due for taxes from each individual, on or before the first day of July in each and every year, and in all cases where the taxes assessed are not paid by that time, by any individual, it shall be the duty of the collector to proceed and collect the same by distress and sale of any of the personal property of such delinquent, subject to execution by the laws of this state, by giving ten days' notice of the time and place of said sale, by written advertisements set up in

three of the most public places in said town.

SEC. 12. In all cases where the taxes due and owing cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots, belonging to such person, or so much thereof as will pay the tax and costs due, by giving three weeks' notice of such sale in some weekly newspaper printed and published in said county of Dearborn; in which notice he shall particularly describe the lot or lots to be sold by their proper number, or by some other certain description, with the owner's name, if known, or the person's name to whom it is supposed to belong. The collector shall on the day of sale by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots; and shall give to the purchaser thereof a certificate of such purchase, setting forth its number, the quantity sold, its situation or locality, the amount paid including tax and costs, and that such purchaser will be entitled to receive a deed for the same, at the end of two years, unless the owner shall redeem the same on or before that time, by paying to such person, his heirs, or assigns, the amount of the purchase money, with fifty per cent. per annum thereon, or deposite the amount with the clerk of the corporation. The collector shall be allowed a fee of fifty cents for each sale and certificate, including printing. At the expiration of such period of two years, the collector then in office shall make the purchasers of such lot or lots or fractional lots, as have not been redeemed by the owners thereof, a deed or deeds thereto, which shall vest the purchaser or purchasers thereof, with a fee simple interest therein.

Sec. 13. It shall be the duty of the collector to make return of his proceedings and sales made, to the clerk of the corporation on or before the first day of August annually, and immediately pay over to the treasurer all moneys by him collected, at which time he shall also furnish a list of delinquents, for which he shall receive a credit.

SEC. 14. The president and trustees shall have power to make, repair, graduate, and pave all streets in said town as they shall deem necessary; to prescribe the situation, width, and direction of all streets, squares, and alleys, and side walks, in any proposed addition to the town; to regulate, and, if they see proper, to prevent the interment of deceased persons in said town; to procure fire engines and hose and other apparatus; organize fire companies and require the citizens to provide themselves with fire buckets; to suppress gaming

houses and houses of ill fame.

SEC. 15. It shall not be lawful for any person or persons, within the bounds of the corporation to sell by less quantity than one quart, any wines or spirituous liquors, foreign or domestic, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, obtain a license from the corporation, which is hereby authorized to grant the same to such applicant for one year, on his, her, or their paying into the treasury of the corporation, a sum not exceeding fifty nor less than ten dollars, at the discretion of the corporation. And if any person shall sell any wines or spirituous liquors, contrary to the provisions of this act, he, she or they so offending, shall, upon conviction thereof in an action of debt or on the case brought by the president and trustees against the offender or offenders, before a justice of the peace, or any court having competent jurisdiction, be fined in any sum of money not more than fifty nor less than five dollars, for each violation of this section; and shall also upon conviction by presentment or indictment (in which indictment it shall not be necessary to recite this act) in the circuit court of said county, be fined in any sum not more than one hundred nor less than twenty dollars for the use of the county seminary. And for the better regulation of the peace and good government of the town, the said president and trustees are hereby authorized to adopt and pass laws and ordinances, for the suppression of immorality, intoxication, rioting, and whatever may detract from the peace and good order of society, and for the purpose of carrying into effect the provisions of this act, the corporation is hereby authorized to appoint a marshal for that purpose, who shall take an oath of office and be a peace officer: Provided, Such by-laws and ordinances are not contrary to the constitution and laws of this state and of the United States.

SEC. 16. All by-laws and ordinances of a public nature, made by the president and trustees, shall be in force so soon as a copy thereof, certified by the clerk, shall have been published for ten days in a newspaper of the town, or posted up in three of the most public places in said town, for such length of time.

SEC. 17. No person shall be incompetent to be a witness in suits brought by and against said corporation, because such person is a citizen of said town.

SEC. 18. The president and trustees shall as soon as practicable, have made out a fair and correct copy of the plat of the town, with all additions which from time to time, may be made, and which shall be placed in the hands of the clerk, as a part of the record of said town.

SEC. 19. The president and trustees shall have power to levy and collect a tax on real property, within the limits of said town not to exceed one-half per cent. on its valuation, including improvement or improvements, or any specific article or articles of personal property; a poll tax on each qualified voter not exceeding fifty cents; on all shows, exhibitions, or amusements, not less than five dollars.

SEC. 20. That all resident male citizens living within the corporation of said town, between the ages of twenty-one and fifty years, except persons exempted by law, or excused by the president and trustees of said town, shall work the streets and alleys of said town two days in each and every year. Each person made liable to work the streets and alleys of said town by this section, who shall fail to attend in person or by substitute, at the time and place appointed by the marshal, within the corporation aforesaid, with the designated tool or instrument, having had three days notice thereof, or having attended, shall spend his time in idleness, or disobey the marshal, who is hereby declared to be supervisor of the streets and alleys of said town, shall forfeit and pay the sum of seventy-five cents for every such delinquency to be recovered by action of debt in the name of the president and trustees of the town of Wilmington, before any justice of the peace of the proper county; and it shall be the duty of the said marshal to report to the president and trustees all delinquencies arising under the provisions of this section.

SEC. 21. Whenever the owners of any lots on any street or section of street, shall be desirous of making any improvement on the same, by grading, gravelling or paving said street, or side-walks thereof, or any other improvement on said street or side-walk, two-thirds of the owners of lots on said street or section of street by themselves or their agents representing two-thirds of the whole number of feet on each side of said street or section of street, two-thirds of the whole number of feet on one side of any side-walk, and shall by petition in writing represent to the president and trustees of said corporation, plainly and distinctly the impovements wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done in the best and most economical nanner, agreeably to the wish of said petitioners, and the expense of said improvement shall be assessed and levied on all the lots, independent of the improvements thereon fronting on said street or section of street, equal per foot for the distance such improvement may be intended to ex-

tend; which assessment and levy from the time of making the same shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation to enter such petition on record with the petitioners' names, the number of feet front owned or represented by each, and shall make out and deliver to the treasurer of the corporation a list of the owners' names, the number of feet front owned by each individual, the rate of expenses on each lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot; which list signed by the president and certified by the clerk, shall be sufficient authority for the collector to proceed to collect the same; and if the owner or occupant of any lot or part of lot shall neglect or refuse to pay the amount so assessed and levied within three months after such levy, the collector shall proceed to collect the same by sale of said lot or part of a lot, or so much thereof as will pay the amount so levied. and in such sale and conveyance to the purchaser thereof he shall in all respects be governed by the twelfth and thirteenth sections of this act, and the right of redemption shall be the same as is provided by the twelfth section of this act. And the collector shall be allowed the same fee for such sale as he is allowed in the twelfth section of this act, for making sale and certificate. And for making a deed to any real estate sold under the provisions of this act, the collector making the same shall be allowed the sum of two dollars, to be paid by the person receiving said deed.

The legislature reserves the right to alter, amend, or repeal this act at pleasure.

This act to be in force from and after its passage.

CHAPTER LXXXIII.

An Act to incorporate the Michigan City Manufacturing Company.

[APPROVED, FEBRUARY 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Zebina Gould, Thomas Webster, William O. Scott, George Smith, and Patrick Strachan, and such other persons as may be associated with them and their successors, be, and they are hereby declared a body corporate by the name and style of the Michigan City Manufacturing Company, and as such, may sue and be sued, plead and be impleaded, in all places and courts whatsoever, and have a common seal, and may alter the same at pleasure.

SEC. 2. The capital stock of said company shall consist of not more than two hundred thousand dollars, and be divided into shares of twenty-five dollars each, and shall be deemed to be personal property,

and may be transferred as any other property is, or may be transferable.

Sec. 3. Said corporation shall have power to manufacture flour from wheat and other grain, to manufacture cotton and woollen goods, and machinery of any kind, and may manufacture any product of this state into commodities for consumption or market; may construct dams, canals, and water ways or reservoirs on lands that are now or hereafter may be owned by said company, or on land owned by any other person with the consent of the owner thereof: *Provided*, the same shall not in any way interfere with any of the public works of this state that now are, or hereafter may be undertaken by the state, and may purchase, possess, and convey lands, hereditaments, goods, and chattels necessary for the purpose of carrying on their business; and may enact such by-laws and regulations, as may be necessary for the management and good regulation of said corporation: *Provided*, That such by-laws, rules, and regulations are not repugnant to the constitution and laws of the United States, and of this state.

SEC. 4. The property, affairs, and concerns shall be conducted and managed by a board of five directors, one of whom shall be president of said board: the directors shall hold their offices for one year, and until their successors are choson. Said directors shall be elected by ballot; the first election shall be held at the house or office of any of the owners of the City Mills, on the first Monday of May next, and annually thereafter on the first Monday of May, at the office of said

corporation.

Sec. 5. Said corporation may hold and possess, and convey any real estate, the title to which shall vest in them, in consequence of any judgments, or decree of any court of law or equity in their favor: *Provided*, the whole amount they shall so own, at any one time, shall not exceed in value fifteen per centum of their capital stock.

Sec. 6. The legislature reserves to itself the right to alter or amend

this charter at any time hereafter.

Sec. 7. This act to take effect and be in force from and after its passage.

CHAPTER LXXXIV.

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An Act to incorporate the Madison Law Library Society.

[Approved, January 14, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas L. Sullivan, Oliver S. Pitcher, and Howard Stapp, together with their associates, subscribers to a law library, are hereby created and constituted a body politic and corporate, by the name and style of "the Madison Law Library Society;" and by such

name, are authorized to have and use a common seal, to hold, purchase, receive, transfer, and enjoy, any property, real and personal, to have perpetual succession, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of judicature whatever.

Sec. 2. There shall be a meeting of the subscribers, members of the Madison Law Library Society, on the first Wednesday of the next ensuing fall term of the Jefferson circuit court, at the place where said court may hold its sessions, and at such meeting, said subscribers may frame a constitution and by-laws for their government, not inconsistent with this act or the constitution and laws of the state of Indiana, and shall elect as many of their number, as may be directed by their constitution managers of the concerns of the society, until the next annual meeting, and until the election of their successors.

SEC. 3. There shall thereafter be an annual meeting of the subscribers on the first Wednesday of October of each year, at the place where the library belonging to said society shall be kept, and at such annual meeting, they shall have power to alter and revise their constitution, and to frame such other by-laws and regulations for the government of said society, as they may deem expedient, not inconsistent with this act, and the constitution and laws of this state.

SEC. 4. The shares of the stockholders in said society shall be transferrable under such regulations as may be prescribed by its constitution and by-laws, and shall on the death of any member descend, or be distributed like other personal property. In case of the failure of a majority of the stockholders, to assemble at the time and place of any annual meeting, the managers shall retain their said offices until the next succeeding annual meeting.

Sec. 5. Any application of the funds of said society to banking purposes, shall be considered and treated as a violation of its charter.

SEC. 6. Whenever any execution shall issue against said society, it shall be first levied on the personal and real estate thereof, and should a sufficiency not be found to satisfy the same, then it shall be the duty of the proper officer to levy the same on the personal and real estate of any of the members of said society.

Sec. 6. The general assembly may repeal this act at any time. This act to take effect and be in force from and after its passage

CHAPTER LXXXV.

An Act to amend an act entitled "an act to incorporate the town of Laporte, approved February 18, 1839.

[APPROVED JANUARY 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the clerk of Laporte county, upon

application in writing, of any twelve freeholders of the town of Laporte, to fix a day upon which an election shall be held to elect five trustees required to be elected by the act to which this is an amendment, which day shall be within thirty days after such written application shall be made to him; and it shall be the further duty of said clerk to cause a notice of said election to be published in said town, at least two weeks previous to the day appointed for such election to be holden.

SEC. 2. That the qualified voters present at such election, or a majority of them, or at any subsequent election under said charter, shall appoint an inspector and judges of said election, who shall be governed in all respects, by the laws regulating the election of justices of the peace in this state in conducting said election, and shall deliver a certificate of his election, to any person thus elected; which certificate shall authorize such person to take upon himself and administer the office to which it shall appear he has been elected until the next annual election, and until his successor is elected and qualified.

SEC. 3. That so much of the act to which this is an amendment as requires the first election hereafter of said officers to be held at any other time, or in any other manner, than is herein specified, be, and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LXXXVI.

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An Act to incorporate the Maumee and Wabash canal company.

[APPROVED, FEBRUARY 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That John C. Warrick, Thomas J. Montgomery, Charles Jones, James Skelton, James R. Walters, John Simpson, sen'r. John Mc-Fadden, and Green B. Duncan, of the county of Gibson, and their successors in office, be, and they are hereby constituted a body corporate and politic, by the name and style of "The Maumee and Wabash Canal Company," by which name they and their successors in office shall have continual succession, and be entitled to all the privileges and immunities of the laws of this state, as a body politic and corporate, and may in their corporate name, contract and be contracted with, sue and be sued, plead and be impleaded, in any court of competent jurisdiction; and they and their successors in office may have a common seal, and may make and alter the same at pleasure, and they and their successors in office as a body corporate, by the aforesaid name, shall be competent and capable of purchasing, holding, using, and conveying any property or estate whatsoever, real or personal, that may be deemed necessary to the prosecution of their designs aforesaid.

SEC. 2. The capital stock of said corporation shall consist of fifty thousand dollars, and be divided into shares of fifty dollars each; and the said persons in the first section of this act named, or any two of them, are hereby constituted and appointed commissioners, and as such, are hereby authorized to open books and receive subscriptions to said stock, at such places and times as they may deem expedient, first giving ten days' notice of the time and place of such meeting, by posting up written notices in at least three different places in said county of Gibson; which subscription shall be paid at such time and manner as the board of directors shall order and direct.

Sec. 3. The said several persons in the first section of this act named, or a majority of them, shall act as directors of said corporation until the first Monday of May, 1842, and until their successors

are elected and qualified.

Sec. 4. Five directors shall be elected on the first Monday of May, 1842, by the stockholders of said corporation, and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation, at the time of said election, and the directors thus elected shall hold their office for the term of one year, and until their successors are elected and qualified; and annually thereafter there shall be held an election in like manner on the first days of May for five directors, which election shall be conducted in such manner as said corporation may direct: *Provided*, however, That any vacancy in said directory occasioned by death, resignation, or otherwise, may be filled by the remaining directors until the next annual election.

Sec. 5. And the said corporation by their agents, and persons in their employ shall have full power and authority to survey, locate, and construct a canal of such depth and width as they may deem proper, commencing at a point where the Maumee and Barren creeks form a marsh, or as near thereto as is practicable, in said county of Gibson, and running from thence on the best ground for the interest of the company and convenience of the public, to a point

on the Wabash river at or near the Crooked bayou.

Sec. 6. And for the purpose of making such survey and location, it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, wood, timber, or other materials necessary for the construction of said canal; but no such materials shall be taken from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Sec. 7. It shall be lawful for the corporation to obtain from the owner or owners of any land through which said canal may pass, a relinquishment of so much of said land as may be necessary for the purposes aforesaid, as also the necessary stone, timber, or other ma-

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terials; and it shall be lawful for said corporation to receive by donation, gifts, grants, or bequests, subscriptions in money, labor, proper-

ty, or materials for the benefit of said corporation.

SEC. 8. The said corporation may charge and recover such tolls from all persons who run boats on said canal, or use the same in any manner whatever as the board of directors may fix: Provided. That the rates established from time to time shall be posted up in some conspicuous place or places on said canal.

SEC. 9. And the said corporation shall have the exclusive right to all the surplus water of said canal for hydraulic or other purposes. and they are hereby authorized to build and erect houses, grist and saw mills, and such other machinery as the said company may see

proper.

Sec. 10. The stock of said corporation shall be considered as personal property, and shall be assignable agreeably to such rules and

regulations as the board of directors may prescribe.

Sec. 11. A majority of the directors shall form a quorum to transact the business of said company, and may enact such by-laws, rules, and regulations, as they may deem expedient for the government of said corporation.

SEC. 12. The board of directors shall have power to receive, and by due course of law to coerce the collection of any and all subscrip-

tions for the benefit of said corporation.

SEC. 13. The directors shall at all times keep or cause to be kept, at some suitable place, proper books of account, in which shall be registered all the transactions of said board of directors.

Sec. 14. The corporation shall not enter into any banking business for the purpose of issuing bills of credit, or bills of any descrip-

tion, to pass as a circulating medium.

Sec. 15. The stockholders shall be individually liable in a just ratio or proportion of their amount of stock held or subscribed, for all debts incurred or created during the said possession of said stock. and in case of sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just proportion, from any debts incurred or created during his, her, or their possession of said stock. The legislature reserves the right hereafter by a vote of two-thirds of each house to alter, amend, or repeal this charter.

SEC. 16. This act shall be, and is hereby declared a public act, and shall be taken notice of by all the courts in this state as such; and shall be in force from and after its publication.

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SEC. 2. They shall further be empowered to receive all and sindoidw are upod box . CHAPTER LXXXVII. out the bequests which shall be solely applied for the use of said parsonage in said circuit

An Act to incorporate the Trustees of the Parsonage of the Methodist Episcopa Church of the Brookville circuit.

[Approved, February 10, 1841.]

WHEREAS, It is represented and shown to this general assembly, that in April, 1837, Christopher Masters, Samuel Goodwin, James Webb, and Robert John Stewart, of the Methodist Episcopal Church in Brookville circuit, state of Indiana, in behalf of said church, appointed by the quarterly conference thereof, to procure a parsonage in the town of Brookville, Franklin county, Indiana, for the use of said circuit, purchased of James Swiggett, late of said county and state, deceased, in his life time, lot number one hundred and sixteen, (116) in that part of said town of Brookville, laid off by John Allen, sen'r. for that purpose; and whereas, also, the said James Swiggett made, executed, and delivered to said trustees, his title bond, bearing date April 10, 1837, by which he agreed and bound himself, his heirs, executors, and administrators to make or cause to be made a general warrantee deed unto the said Masters, Goodwin, Webb, and Stewart on behalf of said church, or to trustees to be appointed by said church, and their successors in office, for the use of said church, the above named lot, when the whole amount of the consideration money therefor should be fully paid and satisfied; and whereas, also, the whole consideration money for said lot has been paid to said Swiggett in his lifetime, and he has since died intestate, without having conveyed said lot pursuant to said bond, and without having made any deed therefor whatever; and whereas, John W. Hitt, David Price, Robert John, Jacob Williams, and Samuel Goodwin are now the trustees for said parsonage, in said Brookville circuit, having been appointed by the quarterly conference: Therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John W. Hitt, David Price, Robert John, Jacob Williams, and Samuel Goodwin, and their successors in office, be, and they are hereby constituted a body politic and corporate, and shall be known by the name and style of "The Trustees of the Parsonage for Brookville Circuit;" and by said corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this state, and by that name have perpetual succession; and they shall in law and equity by said name, be capable of purchasing, holding, taking a deed for, bargaining and selling any property, either real or personal, and particularly lot number one hundred and sixteen aforesaid, for the use of said circuit and church, whether by legal or equitable title, not to exceed in value five thousand dollars.

SEC. 2. They shall further be empowered to receive all and singular any subscriptions, gifts, grants, donations, and bequests which shall be solely applied for the use of said parsonage in said circuit in such manner as such trustees shall deem most proper and expedient.

Sec. 3. It shall be lawful for such trustees to hold meetings at such place; and at such time, and so often as it may suit them, or as their business may require it, sit on their own adjournments, on the call of the proper officer, and establish such rules and by-laws for their government, as they or a majority of them shall think proper: *Provided*, however, That such rules and by-laws shall not be incompatible with the constitution and laws of this state or the United States.

SEC. 4. It shall be lawful for the quarterly conference of the Methodist Episcopal church in Brookville circuit, to perpetuate this board of trustees by annual appointment, or in any way they may deem proper, and also to fill all vacancies which may in any way occur, and the trustees thus appointed shall serve until their successors are duly appointed; they shall also keep a record of their prsceedings, which shall be open to the inspection of all persons concerned.

Sec. 5. The acts and doings of the stewarts aforesaid in relation to said parsonage are hereby declared valid in law, the same as though

they had been done under the provisions of this act.

Sec. 6. Be it further enacted by the General Assembly of the State of Indiana, That Elijah Barwick, administrator of the estate of said James Swiggett, deceased, be, and he is hereby authorized and empowered in his own name to convey, by way of general warrantee deed, the aforesaid lot number one hundred and sixteen, in Allen's plat of Brookville, to the aforesaid trustees of the parsonage for Brookville circuit, in accordance with said contract or title bond, and said deed of conveyance so made by said Barwick, shall pass to the said trustees and their successors in office, for the use of said circuit, all the title, whether legal or equitable belonging to the said James Swiggett, at the time of his death, or his heirs since, to all intents and purposes, as though the said James Swiggett had executed and acknowledged a like deed before his death.

SEC. 7. Any future legislature shall have the power to repeal, alter, amend, or modify this act, but such repeal, alteration, amendment, or modification shall not divert the property or funds of said

corporation from the purposes expressed therein.

This act to be in force from and after its passage.

CHAPTER LXXXVIII.

An Act to amend an act entitled "an act to incorporate the town of New Castle in the county of Henry," approved, February 6, 1839.

[Approved, January 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the president and board of trustees of the town of New Castle are authorized and empowered annually in the months of April or May to require the owner or owners of any in-lot or part thereof, fronting on any of the streets of said town, to improve the side walks of said street or streets, the breadth of, and immediately in front of, such lot or part thereof, by grading, paving, or otherwise, as said board may designate and require; which order and requisition of said board shall be published in the same manner, as the ordinances and by-laws of said corporation are required to be published.

Sec. 2. If any person or persons being the owner or owners of any such lot or part thereof, shall fail or neglect to make the improvement required by said board, within six months after the publication of such order, it shall be lawful for said board to procure the same to be done at the expense of said corporation: *Provided*, however, That said corporation may recover the amount of the cost of such improvement from the owner or owners of such lot or part thereof by an action of debt, before any court of competent jurisdiction.

SEC. 3. It shall be the duty of the board in the months of April or May annually to designate by an order thereof, the number of days each individual required to work on the streets and alleys of said town, shall be required to work thereon during the ensuing year; not less than the number of days required for the time being by the laws of this state for personal privileges; a copy of which order shall be certified to the supervisor of said town by the clerk of said corporation.

SEC. 4. The per centum annually levied by the board as a tax for corporation purposes, on the one hundred dollars shall never be less than the per centum levied by the board doing county business

of Henry county, for the same year as a road tax.

SEC. 5. That the acts of the board of trustees of said town, in the organization thereof, and all their subsequent acts are hereby declared as legal and valid to all intents and purposes, as if the said board had held their first meeting on the first Monday in May, 1839, and as though an election had been held for the election of trustees on the first Monday in November annually thereafter.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXIX.

An Act to incorporate Saint Gabriel College.

[APPROVED, JANUARY 9, 1841.]

Whereas, it is represented to the General Assembly, that a literary institution called Saint Gabriel College, has for several years past been in successful operation at Vincennes, in this state, sustained and conducted by the voluntary association, and private resources of individuals, without the aid of government. And whereas the president of the said college, in behalf of himself, and the other professors and managers thereof, has solicited an act of incorporation, by the name and style of "Saint Gabriel College;" now, in order to encourage learning, to extend the means of education, and to give dignity, permanency, and usefulness to the said institution:—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That P. Bellier, F. Chasse, P. Trone, John Moore, and Benjamin Thomas, be, and they are hereby constituted and appointed trustees of the said literary institution, by the name and style of "Saint Gabriel College," and by that name, shall be a body corporate, shall have perpetual succession, and a common seal, may contract and be contracted with, grant and recieve, sue and be sued, implead and be impleaded, in all courts and places.

SEC. 2. Be it further enacted, That when a vacancy shall happen in the board of trustees, by death, resignation, removal, or otherwise, the remaining trustees, or a majority of them, shall have full power and authority, to appoint a suitable person to fill such vacancy, and may at their discretion, appoint an additional number of trustees, whenever in their judgment, the exigencies of the institution may require such increase: all trustees so appointed, shall have the same rights, powers, and privileges, as if they were named in this act.

SEC. 3. Be it further enacted, That the person first named herein, or in case of his absence, the next named, shall give notice of the time and place of the first meeting of the board of trustees, and on the attendance of a majority thereof, they shall appoint a president, and adopt such regulations, for their government, as they may deem expedient.

SEC. 4. Be it further enacted, That the board of trustees shall have full power to receive, hold, manage, and govern all the property of Saint Gabriel college, real and personal; to appoint such officers and servants, as they shall judge convenient and useful, and to displace the same; to remove a trustee for any cause which they may deem sufficient, two thirds of the whole number concurring; to define the qualifications of a trustee; to enact and enforce all such statutes and ordinances, as they shall judge convenient and useful, as

well for the better management of the revenues and proprietary interest of the university, as for the advancement of science and learning, so that the same may not be repugnant to the laws of the land, nor injurious to the rights of conscience; to distinguish merit by conferring such literary and scientific degrees, honors, and rewards, as they may judge proper, and generally to have and enjoy all the rights and privileges usually exercised by colleges.

Sec. 5. Be it further enacted, That a majority of the whole number of trustees for the time being shall be a quorum, and shall be capable of exercising all the powers, and transacting all the business of the board.

Sec. 6. Be it further enacted, That the said board of trustees shall keep a fair record of all its corporate acts, and shall lay a copy thereof before the General Assembly, or either house thereof, whenever required so to do. And the General Assembly reserves to itself the right and power to alter, or repeal the charter, whenever it shall be of opinion that the said college has failed to accomplish the beneficent purpose for which it was created. But in case of its dissolution, as the state has not endowed said college, its property, after the payment of its debts, shall vest in and be subject to the disposal of the individuals at the time composing said board of trustees.

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An Act to incorporate the town of Mooresville, in Morgan county.

[APPROVED, FEBRUARY 12, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel Mcore, Eli Vestal, James S. Kelly, Daniel Cox, Isaac Williams, G. D. May, and Reason Reagan, be, and they are hereby appointed trustees of the town of Mooresville, in the county of Morgan, to serve as such until the first Monday in March 1841, and until their successors are elected and qualified as hereafter directed.

Sec. 2. That the trustees aforesaid, at their first meeting under this act, shall elect a president from their own body, whose duty it shall be to preserve order, and put all questions before them, and upon an equal division of the board, give the casting vote, and at the close of each meeting, shall sign the minutes of the same; and said trustees shall also, at their first meeting, appoint all officers necessary to carry into effect the provisions of this act, and make such compensation to such officers as to the majority of the board may seem reasonable.

Sec. 3. That the said president and trustees of said town of Mooresville, and their successors in office, shall be, and they are

hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of the "President and Trustees of the Town of Mooresville," and by their corporate name, shall be capable in law and equity, to sue, and be sued, plead and be impleaded, answer, and be answered unto, defend and be defended in any court having competent jurisdiction, and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure; to ordain, establish, order, and put into execution, and carry into effect such by-laws, rules, ordinances, and regulations necessary and proper for the benefit, convenience, good government, and police of said town.

SEC. 4. That the said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as said president and trustees may deem necessary, and on the first Monday of March annually, there shall be an election at some convenient place in said town, to be designated by said president and trustees, to be elected by ballot, seven trustees for said corporation, at which election each white male citizen of said town, who shall have the qualifications of a voter for state and county officers, and shall have resided in said town two months next preceding such election shall be entitled to vote at the same, ten days previous notice of which election shall be given by the president and trustees aforesaid, by public notice in some newspaper, (if there should be any) or written notices set up in three of the most public places in said town,

designating the time and place of holding such election.

SEC. 5. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also sign the records of

all the by-laws and journals or minutes of their proceedings, and at the first meeting of the president and trustees, after taking effect of this act, and after each annual election as soon as may be convenient, they shall elect or appoint a clerk, a treasurer, and a marshal of said corporation, each of whom shall serve one year, and until their successors shall be chosen and qualified, and shall possess the qualifications of voters, and take a similar oath of the trustees, give bond and security payable to said president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any of the conditions of said bond, they shall be liable to the suit of the president and trustees aforesaid, on said bond against them and their security, who may assign breaches upon conditions of said bond, and recover a judgment for any default in the discharge of the duties of such offices, together with full costs of suit, and ten per centum damages, if such suit be brought for the nonpayment of any sum of money due said corporation, in any court having competent jurisdiction, and on which judgment there shall be no stay of execution.

SEC. 6. The president and trustees shall have power to levy annually, and collect a tax on real property, within the plat of said town not exceeding one half per cent. on its valuation, including emprovements, and on all shows and amusements which may be exhi-

bited for gain, not less than three nor more than ten dollars for each exhibition, and may levy a tax on each specific article or articles of personal property, and upon retailers of spirituous liquors, and upon venders of merchandize, and in addition to the above, the said president and trustees may levy and collect a poll tax on every actual citizen of said town, qualified to vote, not exceeding twenty-five cents.

Sec. 7. The president and trustees shall have power to pass such laws and ordinances, or decrees as may be necessary to guard against damages by fire; to organize fire companies, and govern the same, to regulate the duty and conduct of the citizens of the town in relation thereto, to regulate and govern the markets, to prevent the erection of public nuisances in the town, and remove the same, to sink and keep in repair public wells, and shall have the sole and exclusive power and authority to keep in repair all necessary streets, alleys, and drains, and to pass regulations necessary for the same, agreeably to the plan of said town, and generally to enforce, by proper penalty, the observance of all laws and ordinances relative to the police and government of said town.

SEC. 8. The limits of said town shall, for the purposes of taxation and police, extend to and embrace the plat of said town of Mooresville, including the out-lots, with any addition or additions which may have been made or may hereafter be made to said plat, as the same is, or may hereafter be entered of record, in the recorder's office of the county of Morgan; and for police, good government, and for the suppression of gambling, rioting, horse racing, and removing nuisances, the limits of said corporation shall extend one half

mile from the town plat each way.

SEC. 9. The president and trustees in the month of April of each year, shall appoint an assessor, who shall take an oath of office, after which he shall proceed forthwith to make a fair list in alphabetical order, of all persons subject to taxation, together with such property as the president and trustees may direct him to list, of all lots and fractions of lots, particularly noting the number and fractions, or description thereof, the owner's name, if known, and whether resident or non-resident; and after having completed such list, he shall take to his assistance two freeholders, who having taken a like oath or affirmation, as the assessor, faithfully and impartially to value the real property, directed as aforesaid to be assessed, shall, with the assessor, proceed to value the same, and such assessor shall, on or before the 15th of May next, succeeding, make return of such assessment to the clerk of the corporation.

SEC. 10. The president and trustees shall, in the month of May in each and every year, levy a tax on the property so assessed and returned by the assessor, and appoint a collector to collect the same, who shall take an oath of office, give hond and security to be approved of by the president and trustees, conditioned that he will faithfully discharge his duty, and pay over to the treasurer of said

corporation, all money that may come into his hands as such collector, and shall hold his office one year, unless sooner removed.

Sec. 11. The president and trustees shall cause the clerk to make out a fair copy of such assessment list, setting forth the amount of tax charged on each poll, and each item of property, and shall deliver the same to the collector on or before the first day of June, annually, and certify the amount of tax contained in such duplicate to the treasurer; such duplicate, so put into the hands of the collector, certified by the president and attested by the clerk, shall be sufficient authority for the collector to collect the taxes charged thereon.

Sec. 12. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of September in each year, and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same, by distress and sale of any of the personal property of such delinquent (subject to execution by the laws of this state.) by giving ten days notice of the time and place of such sale, by advertisements set up in three of the most public places in said town.

SEC. 13. It shall be the duty of the collector to make return of his proceeding and the sales made to the clerk of the corporation on or before the first day of October, annually, and pay over to the treasurer all moneys by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit if deemed

correct.

SEC. 14. All bonds given by officers of the corporation, and all contracts entered into with the corporation, shall be in the name of the "President and Trustees of the Town of Mooresville," and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of the president and trustees of the town of Mooresville, without setting forth the

name of any member thereof.

Sec. 15. For the better government of the town, the president and trustees are hereby authorized to pass and adopt laws and ordinances for the suppression of immorality, intoxication, rioting, or whatever else may detract from the peace and good order of the society of said township, and for the purposes of carrying into effect the provisions of this act. The president and trustees are hereby authorized to appoint a marshal, who shall within the bounds of said corporation, be a peace officer; and in the service of all process, within the bounds of said corporation, in which said corporation may be a party, the marshal shall have the same authority, and be subject to the same responsibility as a constable.

Sec. 16. All laws and ordinances passed by the president and trustees, of a public nature, shall be published by setting up written or printed copies thereof in three of the most public places in the corporation ten days before the same shall be in force. And it shall be the duty of the said president and trustees to fill all vacancies that may occur in the board; they shall cause a full statement of the receipts and expenditures of the past year annually, on the first of March, to be posted up in three of the most public places in said corporation.

This act to be in force from and after its passage; and all laws and parts of laws coming within the purview of this act, or contra-

vening its provisions, are hereby repealed.

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unit succession; and they may have a common seal and may after the

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An Act to incorporate the trustees of the Daviess county Seminary.

Moze of ed to [Approved, February 10, 1841.] delocate alode lo

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Seth Roddick, John Van Trees, and William G. Cole, and their successors in office, be a body politic and corporate by the name and style of "the trustees of the Daviess county Seminary."

SEC. 2. Before entering on the duties of their office, the said trustees shall severally take an oath, faithfully to perform their duties.

SEC. 3. After taking thir said oath of office, they shall as soon as may be, appoint one of their body their secretary, who shall keep a record of all the doings of said trustees: which office of secretary they shall fill from their own body, as often as the same shall become

Sec. 4. They shall also appoint, as their treasurer, some citizen of said county, not being one of their body, who shall hold his office during the pleasure of the trustees; and which office they shall, in like manner, fill as often as vacancies therein occur. The treasurer shall, before entering on his office, take an oath faithfully to discharge the duties thereof, and execute a bond to the acceptance of said trustees, and payable to them, with at least two good securities, in a penalty of at least double the amount of the estimated amount of the seminary funds existing at the time such bond is made, and conditioned for the faithful performance of his duty as such treasurer; the trustees may at any time, require additional bonds from any treasurer; every bond, made by any treasurer, shall be approved by the trustess and filed in the office of the clerk of the circuit court of said county; and they may sue thereon in their corporate name, as often as a breach of the condition thereof shall occur.

SEC. 5. The taking of the oath of office by said trustees shall operate a dissolution of the existing "board of trustees of the county seminary of Daviess county;" whose powers, rights, monies, effects, debts, liabilities, property both personal and real, causes of action, judgments, title papers, and choses in action, shall thereupon absolutely vest in the body hereby created; and every member of said

"board," and every officer thereof and every person, who as agent or attorney of said "board," has transacted any of the affairs of said "board," and every person who has handled any of the monies of said seminary, shall, on demand, account to the trustees hereby incorporated, amply and fully, of and concerning the same; and on refusal so to account, said trustees may institute suit to compel the same.

Sec. 6. The body politic hereby incorporated, shall have perpetual succession; and they may have a common seal, and may alter the same at pleasure; they shall have power to sue and be sued, plead and be impleaded, answer and be answered unto in all the courts of this state; they shall have power to sue for, collect, receive and receipt for all monies properly belonging to the seminary of said county; to prosecute to final judgment, in their corporate name, all suits commenced by the present board, and undetermined at the time of their dissolution; to provide for the completion of the present seminary building, and for its repairs and preservation; to employ competent teachers, and to discharge any teacher on reasonable cause; to fix the rates of tuition; to regulate the various branches of learning to be taught therein; to make by-laws for their own government, and for the government of the teachers and students in said seminary; to make all contracts touching the affairs and interests of the seminary and seminary funds; to purchase and hold real estate for the use of the seminary; to purchase and hold a library, maps, globes, and all apparatus proper in their opinion for the institution; to loan the seminary funds on such terms as they may stipulate, and to do all things for the promotion of the interests of the institution, not inconsistent with the laws of the state.

SEC. 7. The acts of any two of said trustees shall be as valid, as if done by them all; all the trustees present shall sign the minutes of

each meeting.

SEC. 8. Every officer of said county, in whose hands may be any of the seminary funds of said county, at the time said trustees shall take their said oath of office, shall within sixty days thereafter, pay the same to said treasurer; and every officer of said county, into whose hands may come any such funds, after the taking of said oath of office, shall pay the same to said treasurer within sixty days after the receipt thereof, or sooner if demanded by him.

Sec. 9. The clerk of the circuit court, and every justice of the peace of said county, shall, within one week next before the second day of every term of the circuit court of said county, deliver to said secretary a written statement of all fines and penalties on his docket, or by him, assessed the next preceding six months; which statement must show the amount of such fine or penalty; when, and the name of the person against whom it was assessed; and whether paid or stayed, and by whom; which statements the secretary shall record.

Sec. 10. If the trustees shall so order, the treasurer shall loan any of said funds in such manner as they may direct, taking notes and security payable to said trustees; and for the solvency of such borrower and security, the treasurer and his sureties shall be responsible.

Sec. 11. All orders for money drawn on the treasurer or other person having, or owing seminary funds, shall be signed by the Secretary; no monies shall be paid out by the treasurer, except on the order of the trustees; all orders on the treasurer with the receipts of the holder, he shall when by him taken up, carefully preserve; and he shall register the same in a book to be by him kept for that purpose.

Sec. 12. Said treasurer shall also keep a record of all monies by him received, and shall note therein from whom received and on what account, and when; and in case of receipt by him of any fine or penalty, he shall also note the name of the person against whom the same was assessed, with the date of such assessment; he shall also keep a record of all monies by him paid out in which he shall note to whom paid, when, and on what account.

SEC. 13. He shall account to said trustees semi-annually, and as

much oftener as they may require.

Sec. 14. On going out of office, every treasurer shall deliver over to his successor all monies, papers and books in his possession as such officer.

Sec. 15. The books and papers of the treasurer shall be open at all times, to the inspection of any of the trustees; and the same with the books and papers of the trustees shall be open to the inspection of any citizen of said county, and of all the courts of record of said

county.

Sec. 16. Said trustees may employ as many agents and attorneys as they please; they may appear and prosecute or defend in the court of any justice of the peace by agent; the prosecuting attorney of the Daviess circuit court, shall, in all their suits therein, prosecute and defend for them; in all judgments rendered in their favor, in any court of record, such court shall tax six per cent. on the amount of such judgment, for the fee of the attorney prosecuting the same, which six per cent. shall be included in such judgment as a part thereof.

Sec. 17. Said trustess shall hold their office during good behavior; but they shall be subject to removal, for any wilful breach or neglect of any official duty, on ten days notice and petition by any five citizens of said county, in the Daviess circuit court; each party having the right of jury trial, and of appeal or writ of error to the supreme court.

Sec. 18. Any vacancy by resignation, removal, death, refusal to act, or otherwise, in the body hereby created, shall be filled by appointment by the remaining trustees; *Provided*, that if more than one vacancy shall exist, at the same time, such vacancies shall be filled by appointment by the president judge of the Daviess circuit court, if he be at the time, a resident of said county, and if he be not such resident, then by the associate judges of said county.

SEC. 19. It shall be the duty of the Daviess circuit court annually to appoint a board of visitors to said institution, to consist of

four citizens of said county, who shall hold their offices for the period of one year and until their successors shall be appointed; which appointment may be made, in the vacation of said court, by the president judge, or by the associate judges; and in case of any vacancy in such board of visiters, the same may be filled by appointment as aforesaid; it shall be their duty to visit the institution at least quarterly, on all public examinations, and whenever requested by the trustees or the principal teacher in the institution; to advise with the teacher and the trustees, and to make such suggestions to them concerning the government of the institution, the manner of teaching, the progress of the scholars and students, and for the general advancement of the institution as to them shall seem necessary.

SEC. 20. Every violation or neglect of any duty required by the fifth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth sections of this act, is hereby made an indictable offence; and on conviction thereof, the person so offending, shall be fined in any sum not less than five dollars, nor more than one thousand dollars.

SEC. 21. This shall be deemed a public act, and shall be liberally construed, but the Legislature may, at any time, amend or repeal it at their pleasure; it shall be in force from and after its approval by the Governor.

of any military of said county, and of all the course of record of said

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See 16. Said treatees may employ as many seems and atter-

An Act to amend an act, entitled an act to incorporate the Indiana Iron manufacturing company, approved, January 20, 1841.

[APPROVED, FEBRUARY 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the fifth section of the act to which this is an amendment, be, and the same is hereby so amended as only to make any stockholder liable in his individual property in a pro rata amount for the liabilities of said company.

filled by a mointment by the president hade of the Davies circuit

ally to appoint a board of visitors to said institution, to consist of

This act to be in force from and after its passage.

CHAPTER XCIII.

An Act to provide for the payment of debts contracted by the late mayor and common council of the town of Lafayette, under the charter of said town, approved, February 4, 1837.

[Approved, February 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the county of Tippecanoe, at their May session in the year A. D., 1841, or at some subsequent session shall be, and are hereby authorized and fully empowered to receive and adjudicate upon the claims or debts, which any person or persons may have had against the mayor and common council of the town of Lafayette, at the time of their dissolution: Provided, however, the said commissioner shall not be authorized to receive any claim, provide for the payment of any debt contracted for the improvement of any street or side walk, and which under the charter, was required to be made by a special tax on the property lying on the streets so improved.

SEC. 2. The commissioners, after hearing the proofs and allegations of the respective claimants, shall order the several amounts found to be due and owing, to be paid by the county treasurer, out of any moneys in his hands collected for the payment of said debts.

SEC. 3. The said commissioners shall give at least three weeks public notice, in one of the newspapers published in the town of Lafayette, of the time and place at which such claims will be received and decided on; and all claims and demands not presented within six months after such notice, shall afterwards be barred and precluded from any payment under the provisions of this act.

Sec. 4. So soon as said board of commissioners shall have ascertained the amount due by said mayor and common council, they shall have full power and authority to assess an advalorum tax upon the lots and buildings within said town of Lafayette, including all of the lots, and buildings which under the act of incorporation were subject to taxation, sufficient in their opinion to pay all such claims, and to defray the necessary expenses incurred in assessing and collecting the same, as also all other necessary expenses incurred in making the settlement contemplated by this act.

SEC. 5. If the debts due from said mayor and common council shall be found to exceed five hundred dollars, the said commissioners may, if they deem it expedient, direct that one half of the amount may be assessed and collected in the year eighteen hundred and forty one, and the other half in the year eighteen hundred and forty-two, and for this purpose they are hereby invested with full power and authority, to carry the intention of this section into effect.

Sec. 6. The list and appraisement of lots, fractional lots, buildings and lands within the town of Lafayette, made for state and county purposes, may be adopted by the board of commissioners for

the purpose of assessing the taxes authorized in this act; and a transcript thereof, certified by the clerk of the board of county commissioners, shall be a sufficient assessment roll and warrant, to authorize the collection of the taxes contemplated in this act to be assessed and collected.

SEC. 7. In case such valuation and list be adopted, the clerk of the board of commissioners shall annex to the name of the owners of lots, or parcels of land, the amount of tax due from each person or chargeable upon each lot or parcel of land.

SEC. 8. Such assessment roll, or any other made agreeably to the provisions of this act, shall be prima facie evidence that the taxes

therein charged are due.

SEC. 9. The said commissioners may, if they deem it expedient, appoint a suitable person to make a valuation and assessment of the lots and buildings in the town of Lafayette, liable under this act to taxation.

SEC. 10. Such assessor so appointed shall take an oath, to be administered by the clerk of the board of commissioners, or some justice of the peace in the town of Lafayette, and shall within thirty days after his appointment, proceed to make an assessment and appraisement of the property herein authorized to be taxed, and make return thereof to the clerk of the board doing county business, within said period.

Sec. 11. The clerk of the board of commissioners, within twenty days after the return of the assessor as provided in the foregoing section, shall make out a certified transcript of such assessment roll, and hand the same over to the collector, authorized to be appointed in this act, which shall be his warrant for the collection

of taxes therein charged.

SEC. 12. The board of commissioners shall allow the clerk thereof, a reasonable compensation for all services required of him under the provisions of this act; the board shall likewise allow the assessor and collector, a reasonable compensation for all services required of them, out of the moneys collected, under the provisions of this act.

SEC. 13. It shall be the duty of said commissioners to appoint a suitable person to act as collector of the taxes assessed by authority of this act; such collector, before entering on the duties herein assigned him, shall enter into bond with security to be approved by the clerk of the board of commissioners; and such collector shall likewise take an oath of office, faithfully to discharge his duties as collector, to be administered by the clerk of said board, or by some justice of the peace.

SEC. 14. It shall be the duty of the collector, within ninety days after the assessment roll shall come into his hands, to collect the amount of tax which shall be charged upon his assessment roll, and upon the failure of any person or persons, to pay the amount of tax wherewith he, she, or they may be charged on such assessment roll, for one month after the same is demanded; the said collector may forthwith proceed to collect the same by distress and sale of personal

property, in the same manner, and under the same restrictions as is provided for the collection of taxes, for state and county purposes.

Sec. 15. The collector, in case of sale of personal property for the collection of taxes, shall be entitled to the same fees and charges,

as the collector of state and county taxes, in like cases.

Sec. 16. In cases of lots, parcels of land, or buildings belonging to non-residents of the town, the collector shall be authorized to demand and receive from the tenant or occupant thereof, the amount of tax chargeable upon such property, and such amount of tax so paid by such tenant or occupant, shall be a credit to such tenant or occupant from the owner.

SEC. 17. The person appointed as collector shall, as soon after his appointment as may be convenient, collect all the property of any and every description whatsoever, belonging to the corporation at the time of its dissolution, and after having given at least three weeks public notice in one or more of the newspapers of said town, of the time and place, shall proceed to sell said property, to the highest and best bidder, and pay over the proceeds thereof, after the payments of the expenses of such sale, to the treasurer of Tippecanoe county.

SEC. 18. The collector shall not sell the fire engine, which belonged to the former mayor and common council of the town of Lafayette, but the same shall remain in the custody of the Wabash fire company to be held by them in trust for the benefit of the citizens of the town of Lafayette: And, provided also, that the burying ground belonging to the citizens of said town, shall be exempt from sale, the same shall remain and continue for the use and benefit of the citizens of said town, for the purpose of a burying place, and none other.

SEC. 19. So soon as all of said debts are paid, together with the costs and charges incurred in the settlement of the same, the said board shall make out a full and complete statement of their proceedings, setting forth the name of the claimants and the amount of each claim; the amount of taxes assessed and collected, and the amount of delinquency in the collection of said taxes, if any, and the amount remaining in the hands of the treasurer, if any, which statement shall be published in one of the newspapers published in said town.

SEC. 20. If any money authorized to be collected under this act remain in the county treasury after all the debts and charges are paid, it shall be applied to the refunding of any tax paid on the lots and buildings owned by any widow or minor children, and the remainder, if any, shall be paid over to the trustees of the county seminary of Tippecanoe county, to be applied as other seminary funds.

SEC. 21. The treasurer of Tippecanoe county is hereby authorized and required to receive and pay out, according to the order of the board of commissioners, the moneys collected by virtue of this act, for which he shall receive two per cent. on the amount received by him, and two per cent. on the amount by him paid out; and the said treasurer shall be liable on his official bond for any negligence or default in receiving, keeping, or paying out the same, as directed in this act. place as the stockholders at their first meeting

SEC. 22. The clerk of the board of commissioners shall keep a record of their proceedings in relation to the premises, and they shall have authority to meet at any time upon their own adjournment, for the transaction of any business contemplated by this act, and they shall be entitled to receive two dollars per day for their services, to be paid out of the moneys collected by virtue of this act.

This act to be in force from and after its passage. mand and receive from the tenant or occupant thereof, the amount

CHAPTER XCIV.

of tax chargoable upon such property, and such amount of tax so

naid by such tenant or occupant, whall be a credit to such tenant or

An Act to incorporate the Jonesborough Bridge Company.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of "The Jonesborough Bridge Company," and by that name shall be capable of holding real estate sufficient to carry into complete effect the purposes of this act, and of suing and being sued, defending and being defended, in law and equity in all courts whatsoever; and shall have authority to make, ordain, and establish such by-laws, rules, and regulations, not repugnant to the laws and constitution of this state or of the United States, as shall be necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said company shall be three thousand dollars, divided into shares of twenty-five dollars each.

SEC 3. That Owen E. Osborn, Obadiah Jones, L. D. Pierce, William Conte, and Elijah Lucas, shall be commissioners to open books for receiving subscriptions to the capital stock of said company, and said books shall be opened at any time that a majority of the commissioners may agree upon, and each of said commissioners may receive subscriptions.

SEC. 4. That whenever forty shares shall have been subscribed to the capital stock of said corporation, the said commissioners shall cause an advertisement to be inserted in some newspaper published in the county of Grant, or by written advertisements posted up in three of the most public places in said county, giving at least three weeks' notice of the time and place of meeting of the subscribers to choose directors, and at the time and place appointed, the stockholders shall choose five directors, being stockholders of said corporation, a quorum of whom shall be competent to transact business, and shall serve as such directors until their successors are chosen and qualified. A new election of directors shall be held annually at such time and place as the stockholders at their first meeting shall direct; and the

directors chosen at any election, shall as soon thereafter as may be, choose out of their number, one person to be president, and shall ap-

point a secretary and treasurer.

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding twenty-five per cent. of the amount of stock every three months, by giving written notice to the stockholders, stating the amount on each share demanded, and the time and place of payment shall be set forth in said notice, and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction; and if the amount cannot be made on execution, or if such delinquent is out of the state, the corporation may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

Sec. 6. The said corporation may erect a bridge across the Mississinawa river at or near the town of Jonesborough in the county of Grant, and maintain the same for the term of fifteen years; and the said corporation shall have and may use the writ of ad quad damnum, and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll house and necessay

causeways.

Sec. 7. When said bridge shall be completed, the said corporation may erect and maintain at either end of said bridge, and demand and receive a toll, not exceeding the rates following, to-wit: Every four wheeled carriage drawn by four horses or oxen, twentyfive cents, if drawn by two horses or oxen, eighteen and three-fourth cents; every two wheeled carriage drawn by two horses or oxen, twelve and one-half cents, if by four horses or oxen, eighteen and three-fourth cents; each sled or sleigh drawn by two horses or oxen. twelve and one-half cents; every one horse sled, sleigh, wagon, or cart, twelve and one-half cents; every man and horse, twelve and one half cents; every foot passenger, six and one-quarter cents; every horse, mule, jackass, or head of neat cattle, three cents; every sheep or hog, one cent; but all persons going to or returning from public worship, going to or returning from doing militia duty, and all funeral processions shall be exempt from paying toll.

Sec. 8. If any person shall wilfully impair or injure said bridge, he, she, or they so offending, shall be liable to pay said corporation treble the amount of damages sustained, together with treble the costs of suit, to be recovered by action of debt in any court having

competent jurisdiction.

Sec. 9. If any person shall forcibly pass the gate, without having paid the legal toll, he shall forfeit and pay to said corporation five times the amount of the legal toll, with costs of suit, to be recovered before a justice of the peace by an action of debt.

Sec. 10. If any toll gatherer shall unreasonably hinder or delay any passenger at the gate, or shall demand and receive more than legal toll, he shall forfeit for every such offence, the sum of five dollars, to be recovered with costs of suit, before any magistrate, to the use of the person so hindered or delayed.

SEC. 11. Said bridge shall be built not less than sixteen feet wide. and shall be well secured on each side by a railing not less than four feet high; and said bridge shall be completed within four years from

the passage of this bill, or this act shall be null and void.

Sec. 12. Should the board doing county business for the county of Grant desire to purchase said bridge for the purpose of making a free bridge of the same, they shall have the right to do so, by paying the corporation the cost of the same with six per cent. interest thereon, after deducting the dilapidation of the same.

This act shall take effect and be in force from and after its pas-

and the same shall thereby be absolutely forfeited to the corporation.

ssinawa river at or near the lawn of Jonesborough in the county I Crant, and industrian the same for the form of lifeer years; and seal carporation shell have and way use the writ of ad quad dam-CHAPTER XCV.

An Act to incorporate the Greensburgh Steam Mill and Manufacturing Company, in Decatur county.

[APPROVED, FEBRUARY 12, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of building a steam grist and saw mill, and such other machinery as may be attached to said mills, and carrying on the business incident thereto, in the town of Greensburgh, in the county of Decatur, James Freeman, Samuel Bryan, Ezra Lathrop, Henry H. Talbott, James Gagely, Antrim R. Forsyth, Abraham Carter, Ira Grover, Martin Jamison, jr., Robert Hamilton, James Howard, John Lusk, and Gabriel Woodfill, and their associates, be, and they are hereby declared a body politic and corporate, under the name and style of the Greensburgh Steam Mill Company, and in such corporate name and capacity, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or chancery powers, having jurisdiction in the premises.

Sec. 2. The process against said corporation, shall be the same as against natural persons, which process [shall] be executed on any director or president thereof hereinafter mentioned; the further pro-

ceedings shall be the same as against natural persons.

Sec. 3. The said corporation shall have a common seal, and may change or alter the same at pleasure, and shall be capable of purchasing, holding, using, and conveying any real estate or personal property necessary for the use and security of said corporation.

SEC. 4. The capital stock of said company shall be ten thousand dollars, and be divided into shares of five dollars each; but it shall be lawful for said company to commence their said business when, and as soon as two thousand dollars shall have been subscribed for, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorized to

do, to the amount hereinbefore mentioned.

SEC. 5. The subscription for said stock shall be opened under the direction of James Freeman, Samuel Bryan, Ezra Lathrop, and Henry H. Talbott, or any two of them, who are hereby appointed commissioners for that purpose, and are hereby authorized to receive subscriptions to the said capital stock, on such days, and at such place, after the passage of this act, at Greensburgh, as they shall appoint, and that the sum of one dollar at least, shall be paid to the commissioners previous to the election of directors, on each share so subscribed as aforesaid.

Sec. 6. The stock, property, and concerns of said corporation, shall be managed and conducted by seven directors who shall be stockholders and residents of Decatur county, one of whom to be president, who may respectively hold their offices for one year, and until others be chosen and no longer: Provided, that the directors first chosen shall hold their offices until the first day of August, 1842, and until others shall be elected in their stead.

Sec. 7. So soon as the sum of two thousand dollars shall be subscribed, and the sum of one dollar paid on each share, pursuant to the requisitions of this act, the commissioners appointed by the fifth section thereof, shall give notice by written notices posted up at four of the most public places in the county, for an election of directors on such day and at such place in the town of Greensburgh, as such commissioners, or a majority of them, shall designate; which notice shall be given at least ten days prior to such election.

SEC. S. The directors of said corporation shall be chosen annually, on the first Monday in May in each year, after the term of the directors first chosen shall have expired, at such place in said town of Greensburgh, as a majority of the directors for the time being shall prescribe; of which election, notice shall be given at least ten days by written notices posted up in manner aforesaid, or by notice published in some newspaper printed in said county.

SEC. 9. The first election herein contemplated, shall be held under the inspection of said commissioners, and all subsequent elections un-

der the inspection of the directors for the time being.

SEC. 10. All elections shall be by ballot, and a majority of all the votes present, allowing one vote for each share, shall be necessary to a choice.

Sec. 11. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect one of their number president; and if any vacancy shall at any time happen among the directors, by death or otherwise, such vacancy shall be filled for the remainder of the term, by the directors then in office.

SEC. 12. In case it shall happen at any time, that an election of directors should not be made on any day, when in pursuance of this act it ought to have been made, the corporation shall not for that cause, be deemed to be dissolved, but it shall be lawful on any other day, to hold an election for directors in such manner as shall be regulated by the by-laws and ordinances of said corporation.

SEC. 13. A majority of the directors for the time being shall form a quorum for the transacting of all the business of said corporation, and shall have power to prescribe and make such by-laws, rules, and regulations, not repugnant to the laws and constitution of the United States and of the state of Indiana, as shall appear to them needful and proper, touching the management and disposition of the stock, property, estate, and effects of said corporation, the duties and conduct of the officers and men employed therein, the election of directors, and all such matters as appertain to the concerns of said institution, and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation.

SEC. 14. The stock of said corporation shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property: Provided, that no transfer of stock shall be valid or effectual until registered in a book to be kept for that purpose by the president; which book shall at all reasonable hours for transacting business be open to the examination of any stockholder, or any person having any demand against the corporation, or any member of it; and in case any member of the company have charge of said book who shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of twenty dollars to the Decatur county seminary, together with costs of suit by action of debt in the name of the treasurer of the county, and moreover be liable in damages to the person whom he refused the privilege of examining said book to the actual amount of damages he may have sustained in consequence of such refusal.

SEC. 15. The directors shall at all times keep, or cause to be kept, at some proper place, proper books of account, in which shall be entered all the transactions of said corporation; which books shall be subject to the inspection of the stockholders of said company.

SEC. 16. That said stockholders shall each be held responsible to all creditors in his individual capacity to the amount of his stock, on failure of a sufficiency of property belonging to said corporation: Provided, That said corporation shall at no one time be indebted to an amount exceeding the stock sold and held in said company. In case of excess, the directors under whose administration the same may happen, and by whose order or vote the same may have been created, shall be liable therefor in their individual capacity; but nothing in this section shall be so construed as to exempt said corporation from being also liable for said excess.

SEC. 17. The directors shall have power to receive, and by due course of law to collect all subscriptions in writing for the purpose of

raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover ten per centum damages on any instalment of stock which shall not be paid pursuant to the requisition of the board of directors; or the said board may, in their discretion, after failure to pay any instalment of stock as required, declare the part of said stock before paid in on said share forfeited to the use of said company: *Provided*, That notice of such requisition shall be given by such directors by advertisement in some public newspaper published in said county, for at least twenty days, and if no such paper is printed, then by written notices set up at four of the most public places in said county for the time last mentioned before such instalment is payable, specifying the amount thereof, and when due.

Sec. 18. This charter shall be, and is hereby limited to the term of thirty years, from and after the first day of June, in the year one thousand eight hundred and forty-one: and said corporation shall not, by the privileges herein granted, engage in any banking business whatever.

SEC. 19. This act shall be, and the same is hereby declared a public act, and shall take effect and be in force from and after its passage: Provided however, That nothing in the same contained shall be so construed as to prevent the legislature at any time from amending, altering, or repealing this charter.

CHAPTER XCVI.

An Act to incorporate the Owen county Band of Gosport.

[APPROVED, DECEMBER 30, 1840.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That William, R. Hudson, Hezekiah H. Hopkins, Preston H. Lee, William L. Steele, Joseph Arnold, Wm. Roads, Oliver H. P. Evans, Harvey Evans, George Dittimore, Thomas C. Hudson, Alfred Brown, Samuel Steele, John S. Steele, Joseph Freeland, Michael Colter, George Benton, John Mayfield, James Conover, and their associates and successors, be, and they are hereby constituted and declared to be a body politic and corporate, by the name and style of the Owen County Band of Gosport, with perpetual succession, and with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto in law and equity, and in all courts of legal proceedings whatever, to make, have, and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said Owen county Band is hereby authorized to adopt a constitution, to make, establish, and enforce such by-laws, rules, and ordinances under said constitution as they may deem proper, not incon-

sistent with the constitution and laws of the United States, and of the state of Indiana.

SEC. 3. Said band may make and appoint all officers necessary for the management and direction of the said association, may regulate the manner of appointing or electing such officers, together with their time of service, and may make such rules and regulations for the reception and expulsion of members as they may deem necessary.

SEC. 4. Said corporation may receive donations in money, property, musical instruments, or books, and may hold and apply the same to the purposes of said band. They may make a capital stock not exceeding five thousand dollars, in shares of five dollars each, to be taken and held by said corporation and appropriated to the procuring of musical instruments, books, instruction, or any kind of property necessary for their convenience in accomplishing the objects of said association; and may convey, alien, or sell any or all such property, and divide the proceeds among themselves according to the proportion of their stock.

SEC. 5. The legislature reserves to itself the right to amend, alter,

or annul this act of incorporation at any time.

This act to be in force from and after its passage.

CHAPTER XCVIII.

An Act to incorporate the Bristol Manufacturing Company.

[APPROVED, JANUARY 27, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas Wheeler, Owen Coffin and William T. Cowan of Elkhart county, and their associates, be, and they are hereby constituted a body corporate and politic, by the name and style of the president and directors of the Bristol manufacturing company, and they and their successors shall continue as such corporation, for the term of fifty years from and after the first day of March next, and by the name and style of the president and directors of the Bristol manufacturing company are hereby made capable to contract and be contracted with, to sue and be sued, to plead and be impleaded in any court of justice within this state or elsewhere, the same as a natural person, and shall be so recognized in law and equity.

SEC. 2. The said corporation shall have a common seal, by which all their acts shall be authenticated, and they may change or alter the same at pleasure, and they shall be capable of purchasing, holding, using, and conveying any estate, real or personal, necessary for

the use and security of said corporation.

SEC. 3. The stock, property, and concerns of the said corporation

shall be managed and conducted by three directors, who shall be stockholders, one of whom shall be president, who may respectively hold their office for one year, and until others shall be chosen. The said board of directors shall have power to ordain and establish such by-laws and regulations as they shall deem necessary to promote the objects of the corporation, not inconsistent with the laws and consti-

tution of the state of Indiana.

Sec. 4. The capital stock of said corporation shall be sixty thousand dollars, and shall be divided into shares of one hundred dollars each, and each stockholder, in voting for directors, shall have one vote for each share of stock he may hold in said corporation; and all the stock of said corporation, shall be considered as personal property, and may be sold on execution, and transferred on the books of the corporation, by the officer selling the same; and any person in whose custody the books of the corporation may be deposited, who shall refuse to exhibit the books of said corporation to any officer charged with the service of any writ of execution, which may issue from any judicial tribunal within this state; and such person or persons so refusing to exhibit said books, shall be fined by presentment or indictment in any sum not less than fifty dollars, and such person shall be moreover liable in a civil action to the party injured.

Sec. 5. The subscriptions to said stock shall be opened under [the direction] of Thomas Wheeler, who is hereby appointed a commissioner for that purpose, and authorized to receive subscriptions to the capital stock on such days and places, after the passage of this act, as he may appoint; and the individual and private property, both real and personal, of each stockholder, shall be subject and liable to execution, for all contracts, debts and liabilities, made or entered into by said corporation at any time during which any and every such person or persons may have held stock in said corporation: Provided, that all the property of said corporation shall be first exhausted before the private property of the individual stockholders shall be

liable.

Sec. 6. That the said company shall be, and they are hereby authorized to erect a dam across the river St. Joseph, at or near the head of Nicholson's ripples, at or near the village of Bristol in Elkhart county; Provided, that said dam shall not exceed three feet in perpendicular elevation; And, provided also, that said company shall erect and keep in constant repair, one lock, for the passage of steamboats and other water craft used on said river; said lock to be not less than one hundred feet in length, and not less than twenty feet in width in the clear, and the said corporation shall cause said lock to be tended by a competent number of hands, to fill and empty the same, as may be required for the passage of any boat, raft, or water craft; and the said company shall cause every boat, or other water craft, in either ascending or descending said river, to be passed through said lock without any charge whatever.

Sec. 7. That if two or more boats or other water craft arrive at the lock near each other, the first one arriving at the lock shall take

hall for every such offence, forfeit the sum of fice dol

precedence, and if one or more be descending and arrive at the same time at the lock, the first ascending boat or craft shall pass first, and then the first descending boat or craft, and so alternately, until all have passed.

Sec. 8. That if said company shall refuse or neglect to give free passage to any person or persons wishing to pass any boat, raft, or watercraft through said lock, or over said rapids, the said corporation shall be fined in any sum not exceeding three dollars, for the use of the county seminary, for every hour that any boat, raft, or other water craft may be unnecessarily delayed, to be recovered before a justice of the peace, and the said corporation shall be moreover liable to pay treble damages to every and all persons injured by such unnecessary delay; and if the said corporation shall suffer said lock to be impassable for boats or other craft for the space of sixty days at any one time, it shall operate as a forfeiture of this charter; and any person aggrieved thereby may sue out of the Elkhart circuit court a scire facias, which shall be executed on any member of the corporation, at least ten days before the commencement of the term of said court, calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited; and it shall be lawful for the said court upon the return of said scire facias, to examine into the truth of the alleged violation, and if such violation be made appear, then said court shall pronounce and adjudge that the said charter is forfeited and annulled; and every issue of fact which shall arrive in such proceedings, shall be tried by a jury; and if any person or persons, shall wilfully, mischievously, or knowingly, do any injury to the said dam or lock, or any of the necessary appendages thereto, any person or persons so offending, shall forfeit and pay said company treble the amount of damages thereby sustained; which may be recovered with costs of suit before any competent tribunal; and such person or persons shall moreover be liable to pay a fine of not less than five, and not to exceed five hundred dollars, which may be recoverable by presentment or indictment.

Sec. 9. The state of Indiana reserves to herself the right of amending or repealing this charter at pleasure, and of taking under her own control at any time, the aforesaid rights, so far as the lock and its necessary appendages, and the passage of boats and other craft are concerned; Provided, that the said state of Indiana shall refund to the said company the amount they may have expended on said lock and its necessary appendages. The received being also

Sec. 10. This act to be in force from and after its passage.

width in the clear, and the said corporation shall cause and lock to be tended by a competent number or hands, to fill and entity the same, as may be required for the passage of any boat, rail, or water eraft, and the said company shall cause every boat, or other water through said lock without any charge whatever. Sec. 7. That if two or more boats or other water craft arrive at the lock near each other, the first one arriving at the lock shall take

CHAPTER XCVIII.

An Act to amend an act entitled "an act to amend an act to incorporate the town of Jeffersonville," approved February 22, 1840.

[Approved, February 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the fifth section of said act, as gives to the mayor and common council exclusive jurisdiction within said town to grant licenses to tavern keepers, innkeepers, retailers of spirituous liquors by a less quantity than a quart, keepers of ale, beer, and porter houses, cellars, and shops, and all other houses of public entertainment; shows, menageries, theatrical and other exhibitions for money or other reward, auctioneers, keepers of ferries from said town across the Ohio river to the opposite shore, and hawkers and pedlars, be, and the same is hereby repealed. a muumab haup be to ti

SEC. 2. That the recorder elected under the provisions of the act to which this is an amendment shall, in addition to the powers vested in him by said act, have the same powers, and it shall be lawful for him to do and perform all duties required of justices of the peace.

SEC. 3. That it shall be lawful for the board doing county business in Clarke county at the first, or any subsequent session after the taking effect of this act, if they deem it advisable, to relinquish to the mayor and common council of the town of Jeffersonville, the jurisdiction to grant licenses for the purposes enumerated in the first sec-

Sec. 4. That should said relinquishment not be made, the board doing county business in Clarke county, shall be governed by the laws now in force regulating the granting of licenses for said

Sec. 5. That it shall be lawful for the mayor and common council of the town of Jeffersonville, to exercise all the powers granted to them by the fifth section of the act to which this is an amendment, in the granting the licenses therein enumerated, except that of exclusive jurisdiction; Provided, that nothing in this act contained, shall prevent the corporation of the town of Jeffersonville from levying a tax upon the licenses aforesaid, in addition to the tax levied by the county of Clark, should said county require a tax thereon; and should said county of Clark not require a tax for said license, the said corporation may levy such tax exclusively. 1100 no herovoces

This act to be in force from ad after its passage.

Suc. 4. If any person shall forcibly pass the gate without having it paid the legal tell, he shall forfeit and pay to the said William Mumford, eight times the amount of legal toll, to be recovered by ac-Suc. 5. If any toll gatherer who shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the

CHAPTER XCIX.

An Act to authorize William Mumford to build a bridge across the Wabash river, in the county of Wabash.

[Approved, January 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Mumford may erect a bridge across the Wabash river, at or near the town of Wabash, at a point on said river where the Marion and Wabash state road crosses said river, and continue the same for the term of twenty-five years, from and after the completion of said bridge: Provided, That said Mumford procure the consent of the owners of said land upon which the abutments, toll house, and necessary cause-ways are erected; and if said consent, or permission cannot be had, then the said Mumford shall have and may use the writ of ad quad damnum, and the benefits arising from the law allowing such writ, for the purpose of condemning the necessary quantity of ground, for the purpose aforesaid.

SEC. 2. Whenever the said bridge shall be completed, the said William Mumford may erect a gate at either end of the bridge, and demand and receive a toll, not exceeding the following rates, to-wit: every four wheeled carriage, drawn by two horses, or oxen, twentyfive cents; for each additional horse or ox, attached to the carriage, six and one-fourth cents; every two wheeled pleasure carriage, twenty-five cents; for every wagon or cart, sleigh, sled, or cutter, drawn by one horse, eighteen and three-fourth cents; for every cart, sleigh, or sled, drawn by two horses, or oxen, twenty-five cents; for each man and horse, twelve and one-half cents; for each horse or mule, six and one-fourth cents; for each head of neat cattle, three cents; for every sheep or hog, one cent; for every foot passenger, six and one-fourth cents: and in analogous proportions of the foregoing rates for any other animals, and carriages; but all persons going to or returning from places of religious worship, going to or returning from muster, when doing militia duty, and all funeral processions, messengers of this state or the general government, shall be exempt

from paying toll.

SEC. 3. If any person shall wilfully impair or injure said bridge, he, she, or they so offending, shall forfeit and pay to William Mumford treble the amount it may cost to repair the same, with costs of suit, to be recovered on conviction, before any court of competent jurisdiction.

jurisdiction.

SEC. 4. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said William Mumpaid the legal toll, he shall forfeit and pay to the said William Mumpaid times the amount of legal toll, to be recovered by action of debt before a justice of the peace.

SEC. 5. If any toll gatherer who shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the

legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered with costs before any justice of the peace, to the use of the person so unreasonably delayed, hindered, or defrauded.

Sec. 6. The said bridge shall be built not less than twenty feet wide, and shall be well secured by a railing on each side, not less than four feet high.

SEC. 7. The navigation of the Wabash river shall be preserved free from obstructions, and the bridge shall be built a sufficient height to admit loaded boats to pass under it.

SEC. 8. If said bridge shall not be constructed within five years from the passage of this act, then, and in that case, this act to be null and void, otherwise to remain in full force and virtue, for the term of twenty-five years.

SEC. 9. This act is hereby declared a public act, and shall take effect and be in force from and after its passage.

proportions, and at such times as the president and directors of the

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An Act to incorporate the Lagro and Manchester Turnpike Company.

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SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jirah Barlow, Julius A. Murray, Thomas Hamilton, Benedict W. Lowry, A. A. Peabody, Asa Beauchamp, M. C. Frame, William Thorn, and Allen Halderman, of the county of Wabash, and their successors in office, be, and they are hereby constituted a body politic and corporate, and by the name and style of the president and directors of the Lagro and Manchester Turnpike Company, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatever, to make and use a common seal, and the same to alter or change at pleasure, and shall be able in law to make contracts, and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary, to accomplish the object herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation, by electing one of their body president, and, after such organization, any five of said board shall be a quorum to do business.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all bylaws and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employment; which journal and proceedings, shall from to time, be signed by the president; they may sit on their own adjournments, or on the call of the president, when the president is absent, they may appoint a president pro tempore; they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened at such times and places as they may choose, due notice of which shall be given in some public newspaper printed and published in the vicinity of said road; in each of which books, the following entry shall be made: We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our names, in such manner and proportions, and at such times as the president and directors of the Lagro and Manchester Turnpike Company may direct. Witness our

day of hands, this

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the state of Indiana or the United States, by their authorized agents, to subscribe for any amount of the capital stock, and the said corporation may by agent offer for sale, in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power on their own credit, to borrow money upon such terms as may be agreed upon by the parties; the corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper, but the amount required shall be made known at the notice for opening the books, and any future payments on the stock, shall be under the control of the corporation.

SEC. 7. As soon as one hundred shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give three week's notice thereof in some public newspaper printed nearest to said road, and in such notice appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders and citizens of this state; and which election shall be by ballot, and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present, and the persons having the highest number of votes shall be declared duly elected; in all elections, each share shall entitle the holder to one vote, to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator, or executor, trustee or guardian, or by the agent of any corporation, or of the state of Indiana, or the United States, and any person who may have a right to vote may vote by proxy.

SEC. S. It shall be the duty of the directors, elected as above, and those elected at all subsequent elections, to elect one of their own body president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first shall be on the first Monday of January annually, under the direction of the stockholders present; of which election notice shall be given; but should no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders. which shall be evidence of the stock held, they shall be signed by the president and countersigned by the clerk, the stock shall be transferred on the books of the corporation only, personally or by agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall be at all times holden by the corporation, for any dues from the holder thereof, to the corporation, or for any sums that may thereafter become due, on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such portic

of the stock subscribed, not exceeding fifteen per cent, every months, as they may think proper, to be paid at such time. as they may designate, by giving sixty days notice thereof newspaper printed and published in the vicinity of said road, ing written notice to the stockholders, in which notice shall be specified. the amount demanded on each share, and the time and place of payment; and if any stockholder shall refuse or neglect to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount with interest thereon, at the rate of ten per cent. per annum; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may be paid thereon, and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully satisfied. The corporation shall require of all officers and others in their employ, bonds, with such security as they may think proper, for the faithful performance of their respective duties.

Sec. 12. The corporation shall have power, by themselves or agents, to examine, survey, locate, and make a turnpike road from Lagro, in Wabash county, to Manchester in the same county: The said turnpike road to commence immediately below the state dam across the Wabash river, opposite the town of Lagro, and to run on, or as near the present state road between Lagro and Manchester as the corporation shall think most conducive to the public good and their interest; and the said turnpike road shall not be more than sixty feet in width: Provided, That if said road shall run along the line of any state or county road, said corporation shall first obtain a permit so to do, from the board doing county business in said county.

SEC. 13. And for the purpose of making such examination and lo-

cation it shall be lawful for the corporation, by their agents, or persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials, necessary for the construction of said road; but no stone, gravel, or other material shall be taken away from any lands without the consent of the owner thereof, until the amount of com-

pensation therefor shall have been ascertained and paid.

SEC. 14. It shall be lawful for the corporation, either before or after the location of said road, to obtain from any person or persons through whose land the same may run, a relinquishment of so much of said land as may be necessary for the construction of said road; also, the stone, gravel, timber, and other materials, that may be obtained on said route; and may contract for stone, gravel, timber, and other materials that may be obtained from any lands near thereto; to receive by donations, gifts, grants, or bequests, lands, money, ty, stone, gravel, wood, or other materials, for the benroperion poration; and all such contracts, relinquishments, and ts, grants, or bequests, made and entered into in writds, this e person or persons able in law to contract, made in con-6. To such location and for the benefit of the corporation, may have their action at law, in any court of competent juriscompel a compliance therewith: Provided, That all such contracts, relinquishments, donations, gifts, grants, &c., shall be made in writing by the party making the same.

SEC. 15. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee-simple of the right to such land, and shall have the sole use and occupation of the same for the purposes aforesaid; and no person, body corporate, and politic, shall in any way interfere with, molest, injure, or

disturb any of the rights and privileges granted.

SEC. 16. The corporation shall commence the construction of said road within two years of the passage of this act and finish the same within ten years thereafter: Provided, however, That if five miles of said turnpike road shall be completed within the time aforesaid, this charter shall not be forfeited as to that part of the road so completed, nor any part that may be completed within ten years.

SEC. 17. The corporation shall cause said road to be opened not exceeding sixty feet wide; at least sixteen feet of which width shall be an artificial road, composed of stone, gravel, sand, or clay, well compacted together, in such manner as to secure a firm, substantial, and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be greater than an elevation of six degrees.

SEC. 18. If said road, after the completion thereof shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited: Provided, That if said road shall become so impassable or out of repair at any time, and said company refuse or neglect to repair the same, SEC. 13. And for the purpose of making such examination and lothen the board doing county business in said county may order any gate or gates to be set open until the same is repaired.

SEC. 19. So soon as said company shall have completed said road, or any five miles thereof, agreeably to the provisions of this act, they may erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons travelling or using said road, such toll or rates as shall best comport with the interests of said company, so as not to be considered oppressive upon those

travelling upon or using said road.

Sec. 20. If any person or persons using said road or any part thereof, shall, with intent to defraud said company, or evade payment of toll, pass through any private gate or bars, along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of any such toll, or if any person shall take another off said road, with intent to defraud sa tion, each and every person concerned in such fraud shall, for every such offence, forfeit and pay to the co sum of five dollars, without any stay of execution, to be recosts of suit, in an action of debt, at the suit of the corpo any justice of the peace of the county or counties through road passes: Provided, That nothing in this act, shall be ed as to prevent persons residing on said road from passing mercon. about their premises for common and ordinary business.

SEC. 21. The corporation shall erect a post of stone or wood at the end of each mile, with the number of miles from each extremity, fairly cut or painted thereon, and also in a conspicuous [place] near each gate, shall be placed a board, with the rates of toll fairly painted thereon, and all other necessary matter in relation to directions.

Sec. 22. Any person wilfully or maliciously destroying, defacing, or removing any guide-board, mile-post, or stone, or list of rates of toll erected on said road, shall, on conviction thereof before any justice of the peace, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

Sec. 23. If any toll-gatherer on said road shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent

jurisdiction, within twenty days after the occurrence.

Sec. 24. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road, or any section thereof, with all incidental expenses, and also a fair account of the tolls received; and the books of said corporation shall always be kept open for the inspection of any stockholder or creditor of said company, and the said company shall, at any time, dispose of the stock to the state or counties through which it passes, for the money ac-

tually paid in or expended about said work, with six per cent inter-

est thereon. Sec. 25. It shall be lawful for the county commissioners of Wabash, and all other counties interested in said road, for and on behalf of their respective counties to authorize by an order, as much of the

stock to be taken as they may think proper.

Sec. 26. That should the congress of the United States make a donation of lands to aid in the construction of said road, or a donation of money, which may be accepted by the corporation, then, and in that case, the United States, in time of war, shall have the right to transport troops, munitions [of war,] and provisions free of toll on said road.

This charter is limited to thirty years in its duration. SEC. 27.

The stockholders in said corporation shall be liable in a just ratio or proportion of their amount of stock held or subscribed, for all debts incurred or created during their said possession of said stock; and in case of sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just proportion, from any debt or debts incurred or created during his, ier, or their possession of said stock.

The legislature reserves to itself the right hereafter at any sur quent session, to alter, amend, or repeal this charter.

SEC. 30. This act to be in force from and after its passage.

CHAPTER CI.

An Act to incorporate the Hagerstown Canal Company.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Mark E. Reeves, Jacob Ulrich, William N. Davis, William Baker, Elijah Nansandt, A. B. Kenode, William Hindman, Larkin Thornburgh, and William S. Woods, of the county of Wayne, their associates and successors, be, and they are hereby constituted and made a body politic and corporate, and shall be and remain a corporation forever, under the name of "The Hagerstown Canal Company," and by that name may sue and prosecute and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction; and may have a common seal, and the same alter and renew at pleasure, and shall be and are hereby vested with all the powers and privileges necessary to carry into effect the objects of this association.

SEC. 2. That the said corporation be, and is hereby authorized to locate and construct upon the general plan and dimensions of the White Water canal, a navigable canal, with all necessary locks, towing paths, basins, aqueducts, culverts, waste-weirs, dams, wharves, embankments, toll houses, and all the necessary appendages, on a route, commencing at or near Hagerstown in Wayne county, to run on or near the line already located by the state along the valley of the West fork of White Water, to intersect the White Water canal at the most practicable point; which canal shall be designated and known as the Hagerstown Canal, and they shall be at liberty, and are hereby clothed with power to use the water of the said West fork of White Water, or any rivers, streams, and fountains of water, near to or over which the said canal may pass, and to construct feeders or any other improvements for the use of said canal, or for any hydraulic works connected with it: [*Provided, That the said company shall not take from any stream, river, reservoir, or other fourtain of water, more than is necessary for the convenient and economical navigation of said canal, unless they shall have first obtained the consent in writing of every person or persons, corporation or corporations, lawfully claiming the water in any stream, river, or other fountain from which they may draw an excess over and above so much as may be necessary for the purposes of navigation:] Provided, That the mode and manner of connecting the canal provided for by the provisions of this act, with the White Water canal; also the manner of supplying the White Water canal with water shall be determined and directed by the board of internal improvement.

Sec. 3. That for the purpose of assuring to the said corporation all the lands, real estate, waters, and materials requisite for the most economically constructing and maintaining said canal and works connected therewith, and incident and necessary to the navigation of the same, whenever the said lands, waters, and materials shall not be obtained by voluntary donation or fair purchase, it shall be lawful for said corporation by any of their officers, and by each and every agent, superintendent, or engineer by them employed, to enter upon and take possession of, and use all such lands, real estate and streams as shall be necessary for the purposes aforesaid; and also to enter upon and take all necessary materials for the construction of said canal and other works connected therewith, adjoining or near said canal or other works, on whose lands soever they may be, and not otherwise taken and appropriated by the owner to any special use, doing thereby no unnecessary damage, they satisfying and paying all damages which may be occasioned thereby to any person or persons, corporation or corporations in the manner hereinafter provided; and also that the state shall transfer the relinquishments made by individuals to the state, to the said company.

Sec. 4. That if at any time after said canal or any of its branches or feeders are located, any unforeseen obstacles, impediments, or inconveniences occur on the route located, the said corporation shall have power to deviate from the course marked out, so far and in such manner as may be best calculated to surmount, overcome, or avoid such obstacles, or inconveniences; said corporation satisfying

WM. SHEETS, Sec'y of State.

^{*}This proviso appears to have been omitted by the enrolling clerk.

all damages which may be occasioned thereby in the manner hereafter provided; and said corporation may, from time to time make such alterations in the course or dimensions of said canal, its branches and feeders, as may be necessary or expedient, satisfying all da-

mages in manner aforesaid.

SEC. 5. That the said corporation be, and is hereby authorized and empowered to purchase and hold to them and their successors forever, real and personal estate to any amount necessary for constructing, maintaining, and repairing said canal and the works connected therewith; and may receive, hold, and take all voluntary grants and donations of land and real estate, which shall be made to aid the objects of said corporation, and may also erect mills and other hydraulic works on said canals, feeders, and reservoirs; and whenever in any of the ways aforesaid said corporation shall become possessed of and own any lands or real estate, which it may be necessary for them to retain for the purposes aforesaid, it shall be lawful for them to lease, occupy, alien, and convey the same by lease or deed with their seal affixed thereto: Provided, however, That all lands and estates belonging to said corporation, necessary for the navigation of said canal, and for maintaining and repairing the same, and the works connected therewith, shall be held by said corporation and applied to and for the aforesaid purposes.

SEC. 6. That a toll be, and is hereby granted and established for the sole benefit of said corporation forever; and it shall be lawful for said corporation, from time to time, to fix, regulate, and receive the tolls and charges by them to be receivable for the passage of boats or other craft, and for the transportation of property or persons, on the canal authorized by this act: Provided, That the rates of tolls established from time to time shall be posted up in some conspicuous

place or places on said canal.

SEC. 7. That the president and directors of said corporation shall have power, from time to time, to make and ordain such by-laws, rules, and regulations as may be necessary, touching the premises; and the penalties provided by said by-laws, rules, and regulations, may be sued for and recovered by the treasurer of said corporation, or by any other person thereunto, by said corporation authorized, to their own use and benefit before any court having competent jurisdiction; which penalties shall in no case exceed the sum of ten dollars; and said corporation shall cause said by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed in some conspicuous situation at each toll house; and if any person or persons shall wilfully or maliciously mar, deface, or pull down any copy so set up, said corporation may sue for and recover to their own use a sum not exceeding ten dollars, nor less than five dollars, of any person or persons.

SEC. 8. That if any person or persons shall wilfully obstruct the water or navigation, remove, or in any way spoil, injure, or destroy said canal, or its branches, feeders, or reservoirs, or any part thereof, or any thing belonging thereto, or any materials to be used in the construction thereof, such person or persons (or any person or persons) assisting, aiding or abetting in such trespass, shall forfeit and pay to the said corporation, treble the amount of the damage sustained by means of such offence or injury, to be sued for and recovered with cost of suit and by action of debt in any court having competent jurisdiction, by the treasurer of said corporation, or by

any other person thereunto, by said corporation authorized.

Sec. 9. That whenever any lands, water, or materials shall be taken for the construction of said canal or any of its feeders, or works connected therewith, and the same shall not be given or granted to said corporation, and the proprietor or proprietors do not agree with said corporation as to the compensation to be paid therefor, it shall be lawful for the person or persons claiming compensation as aforesaid, to select for themselves one arbitrator, and the said corporation shall also select one arbitrator, and the two thus selected shall take to themselves a third, who shall award as arbitrators between the parties, and report the result of the said award in writing; from which said award, either party may appeal to the circuit court having jurisdiction thereof; and in all cases where compensation shall be claimed for lands or waters, it shall be the duty of the arbitrators or the court to estimate any advantage which the location and establishment of said canal may be to the person or persons claiming such compensation; and such advantage, if any, shall be set off against the compensation so claimed of said corporation; and said appeal, when taken, shall in all respects, proceed as in other cases, to said court, and be brought into said court by filing the award with the clerk of the court, whose duty it shall be to enter the same on his docket, setting down the person or persons who claim compensation as plaintiff, and the corporation as defendant.

SEC. 10. That it shall be the duty of said corporation to make and construct said canal, with good and sufficient wooden locks and wooden culverts, which shall not be less than the White-water canal in regard to the average breadth and depth of the water therein, and the length and breadth of the locks erected thereon, so as to admit of the easy passage of the same with boats or other water-crafts which may be used in the navigation of said canal; and also to keep in good repair suitable and convenient bridges over said canal, in all such places where said canal shall cross any existing state or county road which, at the time of location, shall be opened and used as such without unnecessary delay; and the said canal and works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities, and produce whatsoever, on payment of the tolls to be imposed as provided by this act; and no other toll or tax whatever for the use of said canal and the works thereon erected shall at any time hereafter be imposed, but by the

consent of the state of Indiana.

SEC. 11. That in all cases where any road or public highway, is so located as that said canal or any of its tributaries cannot be judiciously laid out and made without interfering therewith, it shall be lawful for said corporation to cause such road or highway to be so altered as that said canal and other works may be laid out and constructed on the most advantageous site of ground: *Provided*, That said corporation shall cause such road or highway thus altered to be put in as good repair as the old one was at the time of removing the same, at their own cost and expense, and before shutting up or obstructing said highway.

SEC. 12. That if after the location and construction of said canal as aforesaid, any alteration shall be made in the course of dimensions of its feeders or branches, or if any new branches or feeders shall be made in aid of said canal, the damages may be estimated in the same way, and the same proceedings had in the manner provided in this act.

SEC. 13. The capital stock of said corporation shall consist of eighty thousand dollars, to be increased, if necessary, to one hundred and ten thousand, to be divided into shares of fifty dollars each, and may be subscribed for by individuals, companies, corporations, or states. The persons named in the first section of this act, or any five of them, shall be commissioners, whose duty it shall be, as soon as may be convenient or expedient, after the passing of this act, at some suitable place or places designated and chosen by said commissioners, to open books for subscription to the capital stock of said corporation; thirty days public notice shall be given by said commissioners, of the time and place or places of opening such books, in one or more public newspapers printed in the county of Wayne, in the state of Indiana. Books for subscription shall be kept open twenty days, Sundays excepted, and five dollars for each share subscribed shall be paid to the commissioners before the election of the first board of directors. In case there shall be subscriptions to more than the amount of stock authorized by this act within the twenty days, it shall be the duty of the commissioners to apportion the same among the subscribers thereto, in such manner, that no subscription be reduced while any other remains greater, nor shall any subscription be reduced below ten shares, and if after such reduction, there should still remain an excess of subscriptions, such excess shall be deducted from the subscriptions last made. As soon as the subscriptions to the capital stock shall be completed, and distribution thereof made as aforesaid, the said commissioners shall give a like notice of thirty days for a meeting of the stockholders to elect seven directors, each of whom shall be a stockholder to an amount of at least five shares, and a resident of the county of Wayne, Randolph, or Henry, of the state of Indiana; and they shall hold their offices for one year, or until their successors shall be chosen, as hereinafter provided for. The said commissioners shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those duly elected, and deliver over to them the subscription books, and subscriptions. At said election, and at all subsequent elections, each stockholder shall have one vote on each share up to ten; one vote on every two shares above ten up to thirty; one vote on every three shares above thirty up to sixty; one vote on every four shares above sixty up to one hundred; and one vote on every five shares above one hundred, but no individual company or corporation shall have more than one hundred votes. The time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the directors which shall be chosen at such first election, and at each annual election thereafter, shall, before entering upon the duties of their office, take an oath or affirmation, faithfully and diligently to perform the duties of the same to the best of their abilities, and shall also at their first meeting choose one of their number to be president, who shall preside until the next annual election thereafter, and until another president shall be chosen. In case of the death, resignation, or removal from the state of the president or any director, such vacancy or vacancies may be filled for the remainder of the year by the board of directors. They shall also appoint a secretary and treasurer, determine their salaries, prescribe their duties, and require such security from the latter as they may deem expedient. A majority of the directors shall constitute a board for every purpose within the provisions of this act. Every election of directors, after the first, shall be held on the first Monday of January, in each and every year, and at such hour and place in the town of Hagerstown, Wayne county, state of Indiana, as the board of directors for the time being, shall appoint, after notice aforesaid, and they shall hold their offices for one year, and until their successors are chosen and qualified. Every such election shall be held under the inspection of three or more stockholders in said corporation, not being directors, to be previously appointed by the board of directors for that purpose. Any stockholder not personally present, may vote by proxy; such proxy being granted directly to the person representing him at such election.

SEC. 14. The president and directors of said company shall have full power to negotiate with any individual or corporation for any loan or loans, to an amount not exceeding one half the capital stock of said company to be applied to the construction of said canal, at such times and in such sums, and in such manner as may be prescribed by the by-laws of said company; and for the payment of such loans the said president and directors shall assign the bonds of such company for such sums and payment, at such time as they may deem expedient. And such bonds shall pledge the stock of said company and all the tolls and profits arising from said canal, for the payment of interest, and the redemption of the principal of said bonds.

SEC. 15. That in case it should at any time happen that the election of directors shall not be made on any day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time directed by the by-laws of the said corporation.

Sec. 16. That each stockholder shall be bound to pay annually any sum not exceeding one-fourth the amount of his stock subscribed as the president and directors may lawfully require, by giving at least (60) sixty days previous notice of the time and place of making the

payments required, in at least one newspaper in general circulation in the said county of Wayne, but no assessment shall ever be made, so as to render any subscriber liable to pay more than fifty dollars for a share. If, however, after the closing of said books, or at any time it shall appear that sufficient sums have not been raised, or the capital stock shall not be sufficient, the president and directors of said company, or its officers duly authorized for that purpose, may at any time raise the necessary funds by creating and selling additional shares in such manner and upon such terms as the president and directors shall prescribe, and the holders of such additional [shares] shall thence-

forward be members of said corporation for all purposes.

SEC. 17. That if any subscriber shall neglect to pay his subscription, or any portion thereof, for the space of thirty days after he is required so to do, by the said president and directors, notice having been given as required by this act, the treasurer of said corporation, or any other officer duly authorized for that purpose, may make sale of said share or shares at public auction, to the highest bidder, giving at least thirty days previous notice thereof in some public newspaper in general circulation in the said county of Wayne, and the same shall be transferred by the treasurer, in the manner hereinafter provided, to the purchaser, and said delinquent subscriber shall be entitled to the overplus, if the same shall be sold for more than the amount so remaining due after deducting the cost of sale, and in case of a deficit after sale of the stock of such delinquent subscriber, it shall be lawful to collect the same according to law as other debts.

Sec. 18. The stock of said corporation shall be personal property, and shall be transferable on the books of said corporation according

to the rules and by-laws thereof.

SEC. 19. The president and directors shall semi-annually after the completion of said canal, declare and make such dividends as they may deem proper of the nett profits arising from the resources of said company, deducting the probable amount of outstanding debts, and the necessary current and contingent expenses, and they shall divide the same amongst the stockholders of said company in propor-

tion to their respective shares.

SEC. 20. That the said corporation shall be entitled to the benefit of all laws, which are, or shall be in force, for the collection of tolls, or for the protection of any canals constructed by this state, so far as such law or laws shall be necessary to ensure the collection of tolls, or for the protection of the canal and other property, which the said corporation may lawfully hold within the limits of this state, in order more fully to carry into effect the provisions of this act; and in any suit instituted against the said corporation, the service of legal process on the president, or on the treasurer, or secretary of said corporation shall be deemed and held in all courts and places, a sufficient and valid service on said corporation.

SEC. 21. That the state shall have the power, at any time after the expiration of seven years from the time of completion of said canal, or until the White Water canal is completed, by the state, should

it not be completed in the above specified time, to purchase and hold the same to the use of the state by paying to the said corporation therefor such sum, as together with the nett proceeds of the tolls and water rents collected on said canal, shall be equal to the sum expended by said company, in the location, construction, and superintendence of said canal, with six per centum thereon; and if the proceeds of the tolls and water rents, after defraying the expense of superintendence and repairs, shall exceed six per centum per annum on the sum expended in the location and construction of said canal, from the time of making said expenditures, the state shall, in that case, be entitled to purchase said canal, by paying to said company the sum so expended without interest; Provided, however, that the said company shall have the right of water power and privileges during the term of thirty years from and after the time of said canal being purchased by the state, by paying the state the value of the same.

SEC. 22. That for the purpose of enabling the stockholders to ascertain the cost and profits of said canal, plain and accurate accounts of all the expenditures and receipts of said company, specifying clearly the nature of each, shall be kept by the company, and shall be at all times subject to the inspection of said stockholders, or of the board of public works, or any agent appointed by said board, or by

the general assembly, to inspect the same.

SEC. 23. That if the corporation hereby created shall not within three years from the passage of this act, become organized, and within seven years thereafter (or until the White water canal is completed by the state, should it not be completed in the above specified time,) construct and put in operation the canal hereby contemplated; or if, after the completion thereof, they shall fail for one year at any one time, to keep the same in repair, then, or in either case, the said corporation shall henceforth forever cease, and their charter be forfeited.

SEC. 24. That said company may have the power and privilege of commencing operations on said canal so soon as the amount of

thirty thousand dollars shall have been subscribed.

SEC. 25. This charter may be amended, revised, or repealed by two thirds of the legislature concurring therein at any time, by any subsequent legislature.

[APPROVED, FERRWARY 15, 1841.]

An Act to incorporate the Marion and Wabash Turnelle Company

Suc. I. Be it enacted by the General Assembly of the State of Indiana, That Robert Merryfield, Samuel McClure, Henry Pearce, Islac Ped sand, James Campbell, George W. Webster, B. C. Horsin, and William C. Jones, of the county of Grant, James B. Matlock, Jonathan bash, and their successors in office, duly elected as hereinafter directed, are hereby appointed a body politic and corporate, and by the

CHAPTER CII.

An Act to amend "an act to incorporate the Columbus and Driftwood bridge company," approved, February 8, 1839.

[Approved, February 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the capital stock of the Columbus and Driftwood bridge compa-

ny, shall be seven thousand, five hundred dollars.

SEC. 2. That the commissioners named in the act, to which this is an amendment, shall open books for the receiving of subscriptions to the capital stock of said company; which books shall be opened on or before the twenty-fifth day of December, 1841.

SEC. 3. That said company shall have until the first day of Jan-

uary 1844, to finish said bridge.

SEC. 4. That so much of the seventh section of the act to which this is an amendment, as exempts persons going to, and returning from places of public worship, going to and returning from a grist mill with a grist, from paying toll, be and the same is hereby repealed.

SEC. 5. This act shall remain and be in force for the term of twenty-five years, from and after the completion of said bridge; Provided, that said company complete said bridge in the time prescribed by this act, otherwise this act to be null and void.

SEC. 6. That so much of the provisions of the act to which this is an amendment, as comes within the purview of this act, be, and

the same is hereby repealed.

SEC. 7. That this act, and the act to which this is an amendment, be taken as public acts, and as such be liberally construed.

Sec. 21 That said company may have the power and privilege of commencing open into or contract so soon as the amount of

This act to be in force from and after its passage.

Sec. 23. This charter may be amended revised or repealed by CHAPTER CIII.

An Act to incorporate the Marion and Wabash Turnpike Company.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Merryfield, Samuel McClure, Henry Pearce, Isaac Bedsand, James Campbell, George W. Webster, B. C. Hogin, and William C. Jones, of the county of Grant, James B. Matlock, Jonathan R. Cox, W. B. Barlow, and Joseph Hopkins, of the county of Wabash, and their successors in office, duly elected as hereinafter directed, are hereby appointed a body politic and corporate, and by the

name and style of "The Marion and Wabash Turnpike Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in all courts of justice whatsoever; to make and use a common seal, and the same to alter, change, or nenew at pleasure; and shall be able in law to make contracts and enforce the same; to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the state.

Sec. 2. The capital stock of said corporation shall be fifty

thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization, any three of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the object of this act. They shall keep a journal of their proceedings, in which shall be entered the by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ; which journal shall, from time to time, be read by the board, and if found correct, signed by the president. They may sit on their own adjournments, or on the call of the president; when the president is absent they may appoint a president pro tempore. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time, and at such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: We, the undersigned, promise to pay fifty dollars, for each share of stock set opposite to our names, in such manner and proportions, and such time as the president and directors of the Marion and Wabash turnpike company may direct: witness our hands, this day of 184.

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state, or United States, on behalf of the same, to subscribe for any amount of capital stock, and the books shall be kept open for any such space of time, and at such place or places, as the corporation shall choose, and may be re-opened at any time, and they may by an agent, offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable. They shall have power on their own credit to borrow money, on such terms as may be agreed on by the parties, and pledge the corporation and stocks for the payment thereof. The said corporation may require such sums of money to be paid at the time of subscribing, not exceeding five dollars on each

share, as they may think proper, but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the contract [con-

trol] of the corporation.

Sec. 7. As soon as one hundred shares of said capital stock are subscribed for, and five dollars on each share paid, it shall be the duty of the corporation to give notice four weeks in some newspaper printed in the vicinity of the contemplated route, and in such notice, to appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders and citizens of the state; which election of directors shall be holden within two months after the last share of one hundred shares shall have been subscribed for. and shall be conducted by two judges appointed by the stockholders present, and the persons having a plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election. In all elections one share shall entitle the holder to one vote, and the votes may be given by the persons owning the same, or by one of any partnership, or by the husband, father, mother, administrator, executor, trustee or guardian, or by the authorized agent of any corporation, state, or United States, or any person having the right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their body to be president; the president and directors thus elected shall continue in office until the next annual election and until their successors are

elected and organized.

SEC. 9. All elections after the first, shall be held on the first Monday in October annually, under the direction of three stockholders not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present, of which election notice shall be given: Provided, If from any cause whatever, there should be no election held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on another day, to be designated by the directors.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held, they shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, personally, or by an agent, attorney, or by the administrator, executor, trustee, or guardian, but such stock shall at all times be holden by the corporation for any sum that may hereafter become due on contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportion of the stock subscribed, not exceeding fifteen per cent. of the amount of stock subscribed, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some weekly newspaper printed in the vicinity of the turnpike road herein contemplated, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time mentioned for such payment, the corporation may bring suit against such delinquent for the amount due in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation, and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers in their employ, bonds with security to their acceptance, with such penalty as they may think proper, for the faithful performance of their respective

duties.

SEC. 13. The corporation by their agents, shall have full power, from time to time, to examine, survey, mark, and locate the route of said turnpike road, commencing at the town of Marion in the county of Grant, and terminating at such point on the Wabash and Erie canal, as said corporation may think most conducive to the public good, and their interest, the said road not to exceed sixty feet in width.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road. but no stone, wood, gravel, or other materials, necessary for the construction of said road, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation be

ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons, through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction or location of said road, as also the stone, gravel, timber, and other materials, that may be obtained on said route, and may contract for stone, gravel, timber, and other materials, and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, labor, property, stone, gravel, or other materials, for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing by any person or persons capable in law contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action

at law, in any court of competent jurisdiction, to compel the observance of the same; Provided, that all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly

made in writing signed by the party making the same.

Sec. 16. That in all cases when any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where the difficulties may occur, that such facts do exist, and such justice of the peace shall thereupon summon the owner of such land to appear before him, on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons, of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands, or materials, and after having taken into consideration the advantages as well as disadvantages, the road may be to the same; and shall report thereon, whether such person is entitled to damages, or not; and if so, how much, and shall file such report with such justice, whereupon such justice shall enter judgment thereon, unless for good cause shewn, and in case either party should shew sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without the costs: Provided, that either party may at any stage of the proceedings appeal to the circuit court of the proper county, as in other cases, and such court shall appoint reviewers as above directed, who may report at that, or the ensuing term, at the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 17. And in all cases when the owner or owners of such land or materials, shall be minus, insane persons, or reside out of the county in which such land is situated, such justice shall cause three notices of the application made, and the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day named in the notices, the said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complynig therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the lands or materials, costs shall be allowed or awarded

against either party, at the discretion of the justice.

Sec. 18. That if it shall be found necessary and advantageous to the location and construction of said turnpike road, the corporation shall have the right to lay the same along and upon any state or county road: Provided, however, that before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right, and said commissioners are hereby vested with power to grant the same by an order entered on the record: Provided, also, that such right shall be granted on condition that the corporation shall leave a sufficiency of said state

or county road in as good repair for county use, as it was previous to

said occupation.

SEC. 19. That when said corporation shall have procured the right of way as hereinbefore provided, they shall be seized in fee simple to the right to said lands, and shall have the sole use and occupancy of the same, and no person, body politic or corporate, shall in any way interfere therewith, molest, distrurb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from, or affect the profits of said corporation.

SEC. 20. The said corporation shall commence the construction of said road, any time within five years, and the corporation may from time to time construct so much of said road, or any division thereof, as may be within the ability, and to the interest of said company, and shall complete it within twelve years from its commencement: Provided, that if said road shall not be completed within the time aforesaid, that then and in that case, all the rights, privileges and benefits granted to said company in this act, shall be extended to and invested in said corporation to such part of said road as shall then be completed.

Sec. 21. The corporation shall cause said road to be opened not exceeding sixty feet wide, and at least twenty feet shall be made an artificial road, rising in the middle with a gradual curve, the convex of said road to be composed of gravel, sand, clay or other suitable materials, well compacted together in such a manner as to secure a firm, substantial, and even road, and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be

greater than an elevation of ten degrees.

SEC. 22. That if said road after its completion shall be suffered to go into decay, or be impassable for one year, unless when the same

is repairing, this charter shall be considered as forfeited.

Sec. 23. That so soon as said corporation shall have completed said road, or any five miles thereof agreeably to the provisions of this act, they may erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons traveling said road, the tolls established by the corporation, as provided for in the twenty-seventh section of this act.

SEC. 24. That if any toll gatherer shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive a greater amount of toll, than is by this act allowed, he shall for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having compe-

tent jurisdiction, within twenty days thereafter.

SEC. 25. If any person or persons using said road, shall, with intent to defraud said company, or evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of any such tolls, or if any person shall take another off said road with intent to defraud said corporation, each and every person

concerned in such fraudulent practice shall, for every such offence, forfeit and pay to the corporation, the sum of five dollars, without any stay of execution, to be recovered with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county or counties through which it passed: Provided, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises for common

and ordinary business.

SEC. 26. It shall be the duty of the corporation, whenever any state or county [road] now established shall cross the turnpike road, to make and keep in repair good and sufficient causeways, so that the free use of the state or county road shall not be obstructed, and in all cases when any person shall own land on both sides of said road, and there shall not be any causeway for a public road leading from one tract to the other, the owner of said land shall have the right, free of charge, to cross the same, and to make such causeways as may be necessary for the convenience of said owner: Provided, That said owner of land shall not injure, or obstruct said turnpike road.

SEC. 27. The corporation may charge and recover such toll from all persons travelling on said road, for the privilege of driving all manner of live stock, wagons, teams, pleasure carriages, sleighs &c., or any part of it, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: Provided, That the rates be posted up in some conspicuous place or places, on said road: And Provided, That said tolls shall not neat more than fifteen per centum per annum on the capital stock, after keeping said road in repair.

SEC. 28. Semi-annual dividends of so much of the profits as the said corporation may deem expedient, shall be made on the first Monday of December and June, annually, unless the directors fix on a different day, and pay the stockholders as soon thereafter as they can with convenience, and no dividends shall be made to a greater amount than the nett profits after deducting all expenses, and the directors may reserve such proportion of the profits, as a contingent fund, to meet

subsequent expenses, as they shall deem proper.

Sec. 29. That if any person or persons shall knowingly and wilfully injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, toll gate or toll house belonging thereto, such person or persons so offending, shall pay to the corporation five times the amount of damage actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: Provided, That all actions commenced by the corporation, for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 30. The state reserves the right to subscribe for one hundred shares of the stock at any time within two years from the first com-

mencement of said road.

SEC. 31. It shall be lawful for the county commissioners of each and every county through which said road may pass, for and on behalf of said county, to authorize by an order, as much of the stock to

be taken as they may think proper.

Sec. 32. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at each annual election, or at any other general meeting of the stockholders, at least once in each year.

SEC. 33. Any number of the stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in said notice the object of the call, and, a majority of the stockholders being represented, they may make such order relative to the concerns of the

company, as a majority may determine on.

SEC. 34. The said corporation, by their authorized agent, shall have power and authority to negotiate for, and borrow money on the credit of said corporation, to the amount of twenty-five thousand dollars, from any person or persons, state, United States, or corporation, at a rate of interest not to exceed six per cent. per annum, for such a length of time as they may think proper, and can be agreed on by the parties for the payment of said money, so borrowed for the use of said corporation, the work and other property of said corporation, together with the profits on said road, the individual stock in said corporation, and the individual stockholders thereof, shall each be liable for said loan, or so much thereof as contracted for during the time in which they are respectively such stockholders, to an amount equal to their stock respectively, and in that proportion may be recovered by a suit in equity, or otherwise.

SEC. 35. The corporation may by contract, admit the intersection

of said road with any other turnpike or collateral road.

SEC. 36. The state of Indiana, in time of war, shall have the right to transport troops, munitions of war, and provisions, free of toll, on said

SEC. 37. That should the congress of the United States make a donation of lands to aid in the construction of said turnpike road, or a donation of money, which may be accepted by the corporation; then, and in that case, the United States, in time of war, shall have the right to transport troops, munitions of war, and provisions, free of toll on said road.

SEC. 38. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number

of directors to any number not less than five.

SEC. 39. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the secretary of state, and from and after that time, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pay the owner or owners of said land on said changed route, the amount of damage they may sustain by such relocation Storts book own vi

SEC. 40. This charter is limited to seventy-five years in its duration.

SEC. 41. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road, with all incidental expenses, and also a fair account of the tolls received, and the books of said corporation shall be always kept open for the inspection of any stockholder, or creditor of said company; and the said company may, at any time, dispose of the stock to the state, at a rate of interest on the money actually paid in or expended about said work, of ten per centum per annum.

SEC. 42. The turnpike company created by this act, shall have the right to commence the construction of said road, at such places on the said contemplated route, as the corporation may think best for the in-

terest of the company, and the public good.

SEC. 43. The legislature reserves the right to alter or amend this act at any time.

This act to be in force from and after its passage.

porarion, the work and other property of said corporation, together CHAPTER CIV.

of time as they may think proper, and can be seried on by the par

ties for the payment of said money, so borrowed for the use of and our-

An Act to amend an act entitled, an act to incorporate the Lawrenceburgh Bridge Company, approved January 24, 1837.

[APPROVED, FEBUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the capital stock of said company shall consist of twenty-five hundred dollars, to be divided into shares of five dollars each.

Sec. 2. The affairs of said company shall be managed by five trustees, (a majority of the stockholders may reduce as low as three,) a majority of whom shall form a quorum to do business, to be elected by the stockholders on the first Monday in May next, and annually thereafter, and the trustees, when elected, shall serve for one year, and until their successors are chosen and qualified to take their place; and should there be any vacancy among the trustees by death or otherwise, the remaining trustees shall fill such vacancy at their next meeting.

SEC. 3. To aid in the transaction of business, the trustees shall have power to make all such rules, and regulations or by-laws, as they shall deem necessary to carry into effect the provisions of this act, and to appoint all officers and agents they may find necessary to employ, and when the interest of the company requires it, to re-

move them and appoint others in their place.

Sec. 4. Said company shall cause a record of their proceedings, to be kept in a book to be provided for that purpose, which shall always be kept open to the inspection of any two stockholders, who may call together and demand it.

SEC. 5. In all elections held by said company, each person shall have and be entitled to as many votes, as he holds shares of stock in said company.

SEC. 6. Any person, for an injury done to said bridge, or its appurtenances, or for any obstructions placed in the way of travelling, shall be liable to the company, for double the amount it may cost to repair the same, or remove such obstructions, with costs of suit, to be recovered on conviction thereof, before any court competent to try the same.

Sec. 7. No bridge shall be erected, or ferry kept within one half mile above or below said bridge, on Tanner's creek, except by said company: Provided, Said company shall, at any time after the year eighteen hundred and sixty-one, surrender their chartered privileges to the county of Dearborn, or the townships of Lawrenceburgh or Manchester, in said county, or either of them, who shall first elect to take the same within six months after the date above mentioned, on payment of the then present value of said bridge; to be appraised and valued by five disinterested men, two of whom shall be chosen by each of the parties; and the persons thus chosen, shall choose a fifth person, whose appraisement shall be final between the parties.

SEC. 8. If the county of Dearborn, or the townships of Lawrenceburgh or Manchester, or either of them, shall not choose to take said bridge upon the terms mentioned in the seventh section of this act, within the time therein mentioned, then the rights of the county, and the townships above mentioned, shall be suspended for five years thereafter, giving the county of Dearborn and the townships of Manchester and Lawrenceburgh the right of purchasing said bridge, at the end of every five years thereafter, successively, on complying

with the terms mentioned in the seventh section of this act.

SEC. 9. Should the county of Dearborn, or the townships of Manchester and Lawrenceburgh, or either of them, elect to take said bridge agreeably to the seventh section of this act, they, or either of them, shall at their election make the same a free bridge, or impose such a rate of toll as shall be sufficient to keep the same in repair, and the expense of collection, and no more; which rate of toll shall, with a special view to the provisions of this section, be regulated by the county commissioners of said county of Dearborn.

SEC. 10. It shall be lawful for the county commissioners of Dearborn and Ripley counties, or either of them, to authorize, by an order, so much of the stock to be taken for their several counties as they may think proper; and shall be entitled to the same privileges, and liable to the same disabilities, as are provided in this act for

other stockholders.

SEC. 11. Should the state of Indiana, at any time after the year eighteen hundred and sixty-one, construct and complete a turnpike, or McAdamized road, from Napoleon in Ripley county, to said bridge, in Dearborn county, it shall be lawful for the state to purchase said bridge agreeably to the provisions of the seventh section of this act, by her agent or otherwise, and upon the payment of the

value of said bridge as therein provided, it shall be the duty of the company, the township of Lawrenceburgh or Manchester, or such of them as shall then be the owner of said bridge, forthwith to surrender the same to the state.

SEC. 12. Whenever an execution shall issue on any judgment obtained against said company, the same shall be first levied on the real and personal estate thereof, and should a sufficiency thereof not be found by the officer executing the same, to satisfy such execution, he shall then levy the same upon the personal and real estate of any and each of the stockholders in proportion to the amount of stock held by such stockholder; and should any stockholder pay out of his individual estate on such execution a sum more than his ratable proportion, according to his amount of stock, he shall have a lien upon the real estate of the rest of the stockholdders of said company for the amount so paid, to be enforced agreeably to the act giving to mechanics a lien upon buildings, approved, February 17, 1837, to be paid by them in the same proportion.

SEC. 13. That all the stock increased by this act, and remaining unsold, may be offered in such amounts, and at such times and places, and under such circumstances as the trustees for the time being may direct, always consulting the interest of the company; and that the acts and doings of the trustees in the premises up to this date be confirmed and ligalized: Provided, That it shall not be lawful for any one person to take, directly or indirectly, a greater number of shares than ten, until it shall have been advertised in the Political Beacon, four weeks, that the books for subscription will be opened on a certain day, and at a certain place, and until after all have had an opportunity to subscribe for said stock two entire weeks.

Sec. 14. That those persons who have become stockholders in pursuance of the above recited act, and all those who may hereafter become stockholders in said company, shall be named and styled the "Lawrenceburgh Bridge Company," and by that name shall be capable in law of possessing and holding real estate sufficient for the purposes of said company, and for exercising all the rights and privileges granted by the first section of the above mentioned act, and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 15. That said company may erect a bridge across Tanner's creek, at the same place where the present bridge, erected by said company, stands, or at any other point the board of trustees of said company may select, up or down said creek, within one-half mile of the present bridge; and the said incorporation shall have power to and may use the writ of ad quad damnum, and pursue the course pointed out by, and enjoy-all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of the necessary abutments, tollhouses, and necessary causeways, &c.: Provided, The location of said bridge shall in no wise affect or obstruct the public ford across said creek in the vicinity of said bridge to prevent crossing.

SEC. 16. That if said company, by their trustees, shall accept of this amendment to their charter, and spread the same upon the record of their proceedings, the same shall be, and is hereby made a part of the charter of said company, as fully as if the same had been a part of their original charter.

Sec. 17. Any application of the capital stock, or funds of said company to banking purposes, shall be considered a violation and

forfeiture of this charter.

SEC. 18. That sections two, three, four, five, seven, ten, eleven, and twelve of the above recited act, and all subsequent enactments be, and the same are hereby repealed; saving and reserving, however, the right of any person or persons to prosecute any claim or claims he, she, or they may have against said company, which may have heretofore accrued to them under the provisions of the act to which this is an amendment, and all subsequent enactments prior to the passage of this act, in the same manner, and to the same extent as if this act never had passed.

This act to be in force from and after the passage thereof, and publication in the Political Beacon, at the expense of the company.

before entering upon the duties of their office, take an oath or affir-

mation, faithfully to discharge their duties as uniquestof the Orange

CHAPTER CV. sints of bas jed Jos sint

An Act to amend an act entitled an act incorporating a seminary in the county of Gibson, and for other purposes, approved January 21, 1836, so far as the same relates to the seminary of Orange county.

[APPROVED, FEBRUARY 13, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the seminary of the county Orange, shall be divided into two apartments, one of which shall be exclusively appropriated to the instruction of males, and the other to the instruction of females.

SEC. 2. It shall be the duty of the trustees of said county seminary to appropriate all the funds they now have on hand, belonging to said seminary, and which may accrue thereto for the term of five years, to erecting a suitable building and procuring a site therefor, if necessary, for the accommodation and tuition of the female students of said seminary.

SEC. 3. After the erection of such building, for the female department, it shall be the duty of said trustees to cause all the male students to be taught in a separate building, and the female students to be taught in the building, they are by this act authorized to erect, and they are also authorized to employ competent female teachers to instruct the female students in the said seminary: Provided, That no sectarian or religious tenets shall ever be taught in either department of said seminary.

SEC. 4. All donations that may be made by any person to said seminary for the advancement thereof, shall be applied exclusively to the male or female department thereof, as may be designated by the donor, and shall not be applied by said trustees, to any other

purposes.

Sec. 5. The trustees of said county seminary shall hereafter consist of five members, to be elected by the qualified electors of said county, on the first Monday of August, 1841, and tri-ennially thereafter, and shall hold their offices for the term of three years, and until their successors are elected and qualified; but in cases of a vacancy by death, resignation or otherwise, the remaining trustees shall fill said vacancy until the next August election thereafter, when the qualified electors of said county shall fill such vacancy or vacancies.

SEC. 6. It shall be the duty of the clerk of the circuit court and trustees of the seminary funds to report annually to the trustees of the Orange county seminary, giving in detail, an account of the true state of the funds of the institution, and it shall be the duty of said trustees to publish the said report in a newspaper published in Orange

county.

SEC. 7. The trustees elected under the provisions of this act, shall, before entering upon the duties of their offices, take an oath or affirmation, faithfully to discharge their duties as trustees of the Orange county seminary.

Sec. 8. All laws and parts of laws coming within the purview of

this act, be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

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CHAPTER CVI.

An Act amendatory to the charter of Michigan city.

[Approved, February 15, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the district of country in the country of Laporte within the following bounds, that is to say, beginning at the southwest corner of section number thirty-one, in township number thirty-eight north, of range number four west; from thence north along the west line of said section, and to continue that course into lake Michigan, until it reaches the north line of the state; from thence east along the state line through the lake, three miles; thence south to the shore of said lake, to where the east line of fractional section number twenty-one, in the aforesaid township, intersects the lake shore; thence south along the east line of said fractional section and continuing that course to the southeast corner of section number thirty-three;

thence west along the south line of sections thirty-three, thirty-two, thirty-one, to the place of beginning, shall hereafter be known as Michigan city, excepting therefrom, all of the northeast quarter of section thirty-eight, in township thirty-eight north of range four west. The inhabitants of said city shall be a corporation by the

name of "Michigan City."

SEC. 2. That the inhabitants of said city, in their corporate name may sue and be sued, implead and be impleaded, and be capable of answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever, of what kind and nature soever; to make, have, use, and alter a common seal, contract and be contracted with, purchase, acquire, hold, use, convey and dispose of real and personal property, and do all other acts and things necessary and proper to be done, for the full enjoyment of the powers, privileges, and immunities in this act granted: Provided, That nothing in this act contained, shall authorize the common council of said city to sell the public square, nor shall they sell any real estate belonging to said city, unless a majority of the legal voters present, at a special meeting called to take the subject into consideration, shall vote therefor; of which meeting and its object, two weeks' previous notice shall be given by posting five notices in writing in the most public places in said city, or publishing said notice two weeks in a newspaper published in said city.

SEC. 3. That there shall be elected annually in and for said city, one mayor, one recorder, five aldermen, one treasurer, three assessors, one high constable, and one collector. All officers shall hold their respective offices one year, and until their successors are elected and qualified: *Provided*, That no officer elected to fill a vacancy shall hold his office for a longer period than to the end of the term for

which his predecessor was chosen.

SEC. 4. That there shall be an annual election in said city, which shall be held on the first Tuesday in April in each year, at such place as the common council shall designate; at which election, the vacancies which shall occur, by the expiration of the term of service of the officers chosen at any previous election, shall be filled. The common council shall, at least fifteen days prior to the holding of a general and special election under this act, appoint three judges of election, who, together with two clerks to be chosen by said judges, shall hold such election. If either of the judges or the clerks shall fail to attend at the time and place of holding an election, it shall be the duty of of the electors present, to choose viva voce, suitable persons, having the qualifications of electors, to serve as judges or clerks (as the case may require) of the election; but previous to any votes being received, each judge and clerk shall take an oath or affirmation, before some person authorized by law to administer oaths in the following form: You, A B, do solemnly swear (or affirm) that you will perform the duties of judge (or clerk) faithfully and impartially; and that you will according to the best of your ability and knowledge, prevent fraud, deceit, and abuse of every kind, in conducting said election.

SEC. 5. That all elections authorized by this act to be held in said city for the election of the officers hereinbefore named, or any or all of them shall be by ballot, which shall be a paper ticket, on which shall be written or printed the name or names of the person or persons voted for, with a particular designation of the office which he or they may be intended to fill; and every white male inhabitant of said city, who is a citizen of the United States, of the age of twentyone years, and who shall have resided in said city one year next preceding such election; or, every such inhabitant who shall have held the legal title to any real estate in said city three months, and shall have resided in the state one year, and in the city three months next preceding the election at which he offers to vote, shall be deemed a legal voter. Each elector who shall offer himself to vote at any election, shall deliver his ballot to one of the judges holding such election, who shall, before depositing the same in the ballot box, call aloud the name of the person offering to vote, after which, if no objections be made by a qualified voter, he shall deposite the ticket in the ballot box; but, if objections be made, the person offering his vote, shall not be permitted his ballot unless he will take one of the following oaths, which the judges holding such election, or any one of them, may and shall administer; and upon taking either of said oaths, it shall be the imperative duty of the judge holding such ballot, forthwith to deposite the same in the ballot box.

"You, , do solemnly swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years, that you have resided in this city one year next preceding this election, that your actual residence is now in said city and that you have not voted before at this election."

Or: "You solemnly swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years, and have resided in this state one year next preceding this election, that you now are and have been for three months last past the owner and holder of the title to real estate in this city, that you have resided therein for three months last past, and are now, an actual and boda fide resident of this city, and have not before voted at this election." And any person convicted of false swearing in the premises, shall be deemed guilty of wilful and corrupt perjury, and punished accordingly, before any court having cognizance thereof.

SEC. 6. The polls of all elections, held in pursuance of this act, shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at four o'clock in the afternoon. The clerks of the election shall enter the name of each elector and number of his vote in poll books in the following form, viz.

"Poll book of an election held in Michigan City in the year of our Lord eighteen hundred AB, CD, and EF, judges, and GH and JK clerks, duly sworn as the law directs:

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No.	NAMES OF ELECTORS.	No.	NAMES OF ELECTORS.
1	A B	3	EF
2	C D	4actor	To reder G H.

We hereby certify that the number of electors at this election amounts to

A B, C D, Judges of election. E F,

Attest, G H, Clerks.

After the polls are closed and the poll books certified in the manner above specified, the officers holding the election shall proceed, publicly, to count the ballots, unopened, except so far as may be necessary to ascertain that they are single; and if the ballots shall be found to exceed in numbers, the names of electors contained in the poll books, the judges shall draw out and destroy, unopened, so many ballots as shall amount to the excess, and if two or more ballots are found rolled or folded together, so as to present the appearance, when folded, of one ballot, they shall be immediately destroyed. When a comparison of the ballots with the poll books shall have been completed, the officers holding such election shall proceed publicly to canvass and estimate the votes given at such election; and if any ballot shall be found to contain a greater number of names for any office, than the number of persons required to fill such office, it shall be considered fraudulent as to the whole of the names designated to fill such office, but no further; but a ballot shall not be adjudged fraudulent, for containing a less number of names than is authorized to be inserted. After the examination of the ballots shall be completed, the result shall be set down and certified in the following manner, viz:

19

D, number of votes.

A B, number of votes.

C D, number of votes.

following form: You, A. E. do solomaly swear (for affirm) that you will perform the dates of judge (or clork) mithinally and impartially; and that you will according to the feet of your ability and know.

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High sta	C D, number of votes.	vote o on a ection
S.	A B, number of votes.	yor; C D votes for aldermen; (and so on accor. B, D, S Judges of election, F, S
Assessors.	C D, number of votes.	C D nen; (
As	E F, number of votes.	votes for mayor; C D votes for aldermen; A B, C D, C D, E F, E
Collec- tor.	A B, number of votes.	es for ma votes for C C
Colle tor.	C D, number of votes.	After the votes in
Treasu- rer.	A B, number of votes.	abilely, to count the
Tre	C D, number of votes.	at payer of the control of the contr
dicor.	A B, number of votes.	election C D received
neen Salen	C D, number of votes.	when a complete of
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Alde	G H, number of votes.	B received at this votes for recorder; lates.)
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Recorder.	A B, number of votes.	certify, that eccived imber of can H, Clerks.
Reco	C D, number of votes.	de nu
Mayor.	A B, number of votes.	ce herelor; A E to the Attest,
Ma	C D, number of votes.	We lanayor; ding to

Which statement so certified, shall be read aloud to the people present, by one of the judges, and then together with one of the poll books sealed up and directed to the recorder to whom the returns shall be made, and the statement and poll books thus sealed and directed, shall be conveyed by the judges or some one of them, to the recorder's office between the hours of 10 o'clock A M, and 4 o'clock P M, of Thursday next succeeding the day of election. It shall be the duty of the recorder, and in his absence or inability to act of the mayor, and in case of absence of the recorder and mayor, it shall be the duty of the judges, or any two of them, to attend at the recorder's office at such time and place as aforesaid, who with the judge or judges conveying the poll book and statements, shall form a board of canvassers, whose duty it shall be to open the returns, and proceed to ascertain therefrom, who are elected to the different offices, to be filled at such election, by the highest number of votes, and make an abstract of the result in the form following:

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"Official abstract of votes given at the annual (or at a special) election, held in Michigan City, on day of	10	0	umter if a		Total,	"We hereby certify, that the above abstract is a correct statement of the result of an election held in Michigan City, on the day of A D, for the election of (such officers as may have been chosen.) and that A B, is elected mayor, C D, recorder, (and so on according to the officers chosen.) A B, Recorder,
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Which abstract and certificate shall be entered at length upon the records of the corporation, by the recorder, and published in the corporation newspaper. It shall be the duty of the recorder, within three days thereafter, to notify each individual elected of his election, and furnish him with a certificate thereof, or leave such certificate at his usual place of abode, which shall be deemed a sufficient notification. Every person elected, shall on or before the Tuesday next subsequent to his election, go before some person authorized by law to administer oaths, and take and subscribe the oath prescribed in the eleventh article of the constitution of this state, which oath such person is hereby required to administer, upon the production of the certificate of electon. If any person, elected to office in said city, shall fail or refuse to qualify as aforesaid, unless prevented by sickness, the office to which such person may have been elected, shall be deemed and taken to be vacant, so far as to authorize the calling of a special election, to fill such vacancy; and any person elected as aforesaid to any office, who shall fail or refuse to qualify as aforesaid, shall, upon conviction thereof, before any court of competent jurisdiction, forfeit and pay for the use of said city, ten dollars, with costs of suit to be recovered in an action of debt: Provided, That nothing in this section contained, shall be construed to authorize the calling of a special election, where any one elected to any office shall be prevented from qualifying, by sickness or unavoidable accident, within the time above limited, or to subject him to the forfeiture above mentioned, or to prevent him from qualifying, within a reasonable time after the recovery of his health: And also further provided, That nothing in this section contained shall be construed to restrain the variation of the forms above described, to suit the circumstances or condition of the city.

SEC. 7. That no person who is not an elector and a freeholder at the time of his election, and who has not resided one year next preceding his election in said city, shall be eligible to any of the offices to be filled at the annual election, nor shall any person be appointed to office by the common council under this act, unless he be an elector.

Sec. 8. That no person entitled to vote at any election held under this act shall be arrested on any civil process, in going to, during his attendance at, and in returning home from said election.

SEC. 9. The common council is hereby required to call and appoint special elections in said city, to fill all vacancies which shall occur in the offices of mayor, recorder, aldermen, assessors, treasurer or high constable; notice of the time and place of such election shall be given by the recorder, mayor or any one of the aldermen, in the newspapaper printed in said city, or by posting written notices thereof in five of the most public places within the corporation, at least six days prior to the holding thereof; and said election shall be conducted in the same manner, that annual elections are to be conducted in said city.

SEC. 10. That the mayor, recorder, and aldermen, of said city

shall constitute the common council of said city. The common council shall meet at such times and places as they shall by resolution direct, or as the mayor, or in his absence or disability the recorder, or in case of the absence or disability of both, any two aldermen shall appoint. The mayor, or in his absence, the recorder, shall preside at all meetings of the common council, and shall have only a casting vote. In case of the absence of both the mayor and recorder, any one of the aldermen may be chosen to preside, but shall not thereby be deprived of his vote on all questions before the council. A majority of all the aldermen elected shall constitute a quorum for the transaction of business.

SEC. 11. That the common council shall meet annually, at such place as they shall appoint on the second Tuesday in April, and, by ballot, appoint a city attorney, street commissioners, one or more police constables, one or more pound masters, inspector of beef and pork, bellman, sexton and harbor master, who shall hold their offices one year, and until their successors are appointed and qualified, unless sooner removed by the common council. If for any cause, any of the above officers should not be appointed on said day, or their offices should become vacant after appointment, it shall be the duty of the common council to make such appointments as they may deem necessary to make, at any subsequent meeting of the council, who shall hold their offices as hereinbefore provided.

SEC. 12. That if any person, having been an officer in said city, shall not within six days after notification and request from his successor, deliver to him all the property, papers and effects of every description, in his possession, belonging to said city, or appertaining to the office he held; he shall forfeit and pay for the use of said city, one hundred dollars, to be recovered in an action of debt, in any court of competent jurisdiction, with costs of suit, besides all dama-

ges caused by his neglect or refusal so to deliver.

SEC. 13. That the recorder, treasurer, street commissisioner, and collector of said city, shall severally before they enter on the discharge of the duties of their respective offices, execute a bond to Michigan City, in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account and pay over all moneys received by them in their official capacity, which bonds with the approval of the common council endorsed thereon, shall be filed in the office of the recorder, except the recorder's bond, which shall be filed in the office of the treasurer of said city. Every high or police constable shall, before he enters on the discharge of his duties as such officer, make and execute a bond to said city, with two or more sureties, to be approved by the common council, in such sum as said council shall approve, not less than fifteen hundred dollars, conditioned for the faithful discharge of his official duties, which bonds with the approval of the said council endorsed thereon, shall be filed with the recorder of said city. Any person injured by the non-feasance or misconduct of any of the officers in this section named, may

obtain from the person holding the official bond of such officer, a certified copy thereof, on which the person so injured may institute and carry on in the name of the obligee of such bond for the use of the person suing, an action of debt against such officer and his securities in any court having competent jurisdiction, and recover judgment for the amount of the bond; on which judgment execution may issue, for such sum as may he ascertained will be sufficient to indemnify the person sueing: Provided, That in no case shall the obligee of the bond be responsible for costs; but in case judgment should be rendered in favor of the defendants, costs shall be taxed and recovered against the party for whose use the suit was commenced. It shall be lawful for any other person or persons injured as aforesaid to proceed by scire facias against said defendants, in said judgment, until the amount thereof be exhausted: Provided, the plaintiff shall always set forth the breach or breaches on which he may intend to rely to support his suit; and that such defendants may plead any matter which may be pertinent to their defence.

SEC. 14. That it shall be the duty of the common council, at least ten days before any annual election, to cause to be published in some newspaper of general circulation, in the county of Laporte, or by posting up in writing, in four of the most public places in said city, a full and correct account in detail of the receipts and expenditures by the said council for the contingent expenses of said city, from the date of the last annual report, published in pursuance of this section, for the last year's expenditures, including a full and correct statement of the whole of the money assessed, received, and expended for any purpose whatever, together with such information in their power to furnish, as may be necessary, for a full understanding of the

financial concerns of said city.

SEC. 15. That the common council shall have the management and control of the finances, and all the property belonging to the corporation; may hear petitions and remonstrances, and shall have the power and authority to make, ordain, establish, publish, alter modify, amend, and repeal ordinances, rules, regulations, and by-laws.

SEC. 16. The common council shall have power to fix and determine the salaries and compensation of all officers elected or appointed by authority of this act, not otherwise specially provided for: Provided, That the mayor and aldermen shall in no case receive

compensation for their services as such.

Sec. 17. The recorder shall keep the corporate seal and all the papers belonging to said city, not required to be kept by other officers, by the provisions of this act, or by the ordinances or by-laws of the common council; shall make and keep a record of the proceedings of the common council, at whose meeting it shall be his duty to attend; shall perform the duties of mayor in the absence or inability of that officer, or during a vacancy in said office; and shall perform such other duties as shall from time to time be assigned him by the common council, in whose proceedings he shall have no vote, except when presiding in the place of the mayor there should be a

tie in the vote of the common council, in which case he shall have a casting vote. And the records of the common council shall, at all times be open to the inspection of all and every legal voter of

said city.

SEC. 18. It shall be the duty of the recorder to furnish copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under his hand and the corporation seal, to any person applying therefor, upon such person paying to him the sum of twelve and a half cents for every hundred words therein contained; which copies or transcripts, so certified as aforesaid, shall be prima facie evidence in all courts and places in like manner as if the original were produced.

SEC. 19. The treasurer shall receive all moneys belonging to the corporation; keep an accurate account of all the receipts and expenditures; and shall exhibit to the common council, at least fifteen days previous to the annual election in each year, an accurate account current, or a full and correct statement in writing, of the receipts and expenditures of said city for the previous year, and also the state of the treasury, which account shall be filed with the recorder. No money shall be drawn from the treasury unless in pursuance of an order of the common council, which order shall be signed by the recorder, and shall specify for what purpose the money is drawn. And the recorder shall keep an accurate account of all orders by him issued.

SEC. 20. The common council shall have power to cause a sum not exceeding one thousand dollars, to be raised each and every year, by a tax upon the taxable property in said city, for the purpose of carrying into effect the powers granted in this act, and of defraying the contingent and other expenses of said city; and said tax may be increased to any sum not exceeding four thousand dollars in any one year, by the vote of a majority of the electors present at a meeting called for the purpose; of which meeting ten days notice shall be given by publication in some public newspaper of general circulation, printed in said city, or by written or printed notices

posted up in five of the most public places in said city.

SEC. 21. That all lands and town lots, together with the improvements thereon, which are the property of any individual or individuals, body politic or corporate, lying and being within the bounds of said city, (except as in this act hereinafter excepted,) and so much of the following kinds of personal property as exceeds in value the sum of one hundred dollars over and above the amount of debts due and owing by the owner thereof, shall be, and the same is hereby declared subject to taxation, each and every year by the common council of said city, to-wit: all bank stock, or stock in any incorporated company situated or located in said city; all notes, bonds, or other evidences of debt drawing interest, which have been purchased with money; all capital employed in any kind of business; all capital invested in steam-boats or other shipping; all money loaned at interest; all horses and cattle over three years old; all pleasure carriages, and all house hold furniture.

SEC. 22. That it shall be the duty of the assessors, each and every year, to divide the city into three districts, and appoint one of their number to each district, whose duty it shall be, between the first day of May and the twentieth day of July, to call upon the owners of all property subject to taxation by this act, or who may become so, on or before the first day of August next thereafter, [*residing in his district, at their usual places of residence, and make a list of the names of the owners of all real estate subject to taxation by this act, setting opposite the names of said owners, the real estate belonging to him, her, or them, and designating and describing it by the numbers in figures, as laid down on the recorded plat or plats of said city, or if not laid out into town or city lots, said description shall set forth the number of acres in each particular tract, section, or sub-division thereof, the range, township, section, quarter section, or quarter quarter section, or the number of the entry survey, or grant as the nature of the case may require, so as to identify the same. If any real estate shall be owned by two or more persons in severalty, tenancy in common, or coparcenary] any one of said owners may list his, or her respective share or shares, part or parts separately, or all may be listed together, at the option of the owners, in which case such tenancy shall be noted in said list; and all real estate owned by a company or association of individuals, may be entered in the name of such company or association. If the owner or owners of any real property subject to taxation, shall be non-residents of said city, or if residents, shall be absent when the assessor shall call at his or her piace of residence, or be unable, or refuse to give a list of the same before the twentieth day of July in each year; or in case the owner or owners of such property is or are unknown to said assessor, he shall make a list thereof from the best information he can obtain, and he shall, in the column of names, use the words "unknown owners," opposite the entry of such property as shall belong to such persons as are unknown to him as the owners of such property. The said assessors shall, at the time of taking a list of the real property as aforesaid, make a list of the owners of the personal property subject to taxation by this act, and set opposite their respective names, in separate columns, the amount or value of the different kinds of such personal property. If the assessor shall mistrust or suspect that any person subject to taxation, secretes or conceals any of his or her property subject to taxation, he shall have power to administer to such person an oath or affirmation, that the statement made by him or her is true. False swearing in the premises shall be deemed wilful perjury, and punished accordingly. If any person shall refuse to swear or affirm, or if the owner of such taxable property shall be absent when the assessor shall call at his or her usual place of abode, the assessor shall put down, on his assessment [roll,] such amount of the different kinds of personal property subject to

^{*} The words here included in brackets were omitted by the enrolling clerk. WM. SHEETS, Sec'y of State.

taxation, as he from the best information he can obtain, shall think right and just. And further, at the time of taking the lists as aforesaid, the said assessors shall return on the same list with the personal property the names of all persons, residing in their respective districts, who are liable to work on the highways by the laws of this state, whether taxed for real or personal property or not, which persons shall be taxed the sum of one dollar as a poll tax. After the listing shall have been completed, it shall be the duty of the assessors to meet at some convenient place in said city, between the twentieth day of July, and the first of August in each year, and compare their respective lists and equalize the valuation of property returned thereon, as near as may be; at which time they shall enter all real property so as aforesaid assessed, with the description thereof, and the value in money, on one roll or list, setting it opposite the names of the owners so far as known, which shall be alphabetically arranged; said assessors shall, within the time last aforesaid, make out a separate roll or list of the names of all persons subject to a poll tax, with the names of the owners of personal property assessed as aforesaid. alphabetically arranged; and shall set the amount, value, or number of the different kinds thereof, together with the total value in money of the whole of such property, in separate columns, opposite the owners' names. The rolls or lists so as aforesaid made out, with the tax columns left blank, shall be returned to the recorder by the assessors on or before the first day of August, annually: Provided, That the common council may, at any time before the first day of December next thereafter, correct said assessment rolls or tax lists, upon receiving satisfactory proof of the justice and right thereof. The following forms shall be adopted and pursued by the respective assessors, and by the board of assessors in making the foregoing lists or rolls: Provided, That they may be changed or altered to suit the description of any taxable property in said city:-

FORM TO BE USED IN THE ASSESSMENT OF REAL PROPERTY

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Money loaned at interest.	Amt.	
Cattle.	No.	
Horses.	No.	
Pleasure carriages.	Value.	
Capital invested in shipping.	Amt.	
Capital in business.	Amt.	
Bonds, notes, &c. drawing interest.	Amt.	
Bank & other stock,	Amt.	
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SEC. 23. That in case any of the assessors, authorized to be elected, shall for any cause neglect or be unable to perform the duties required by this act, it shall be competent for the common council to appoint some suitable person to discharge said duties, if, in case of vacancy they shall be of opinion, there is not sufficient time to fill such vacancy by an election, so as to allow adequate time for the transac-

tion of the duties required by this section.

Sec. 24. It shall be the duty of the common council, between the first Monday in August and the first Monday of September in each year, to determine the amount of taxes which shall be raised, not exceeding the amount authorized by this act for the current year. And the recorder shall apportion such tax against the taxable property returned by the assessors, which shall bear the same proportion to the whole amount to be raised as the value of the particular property bears to that of the whole property on the assessment rolls or lists, and shall fill the tax columns in the said rolls or lists, with the tax as apportioned, and furnish to the collector of said city complete duplicates of such assessment rolls on or before the first Monday in October next thereafter.

Sec. 25. The collector, by himself or deputy, shall call at the usual place of residence of each person named in the duplicate, if such residence be within said city, to receive the taxes assessed against him or her, on or before the first Monday in November in each year, and shall moreover attend at his office, in said city, between the hours of nine A. M., and four o'clock P. M., of each day, Sundays excepted,

during the month of November, to receive taxes.

SEC. 26. The collector shall, as soon as practicable after the first day of December in each year, make or cause to be made a correct list of all real estate, owned, or which was owned by residents in said city, or in Laporte county, on the first day of June next preceding, on which any tax shall remain unpaid at the time of making out said list, describing such real estate as the same is described on the tax duplicate, charging on said list the amount of tax due on such real estate, with the addition of twenty per centum penalty thereon, and certify, sign, and return the same to the city recorder, within six days.

SEC. 27. It shall be the duty of the recorder to give thirty days public notice, by publishing said list in some public newspaper of general circulation, printed in said city, or by posting up written or printed copies thereof in three of the most public places in said city, together with a notice that the whole of the several lots or tracts of land described therein, will be leased or let, at the office of the recorder of said city, on the fourth Monday in January then next, to such person or persons as will take the same for the shortest term of time, in consideration of advancing the tax and penalty charged against said lots or tracts of land, unless before that time the owner or owners thereof shall pay the tax and penalty themselves.

SEC. 28. It shall be the duty of she collector to attend at the recorder's office on the said fourth Monday in January, and then and there, between the hours of nine o'clock A. M., and six o'clock P. M., pro-

ceed to sell, by public auction, separately, each parcel of real estate named or described in said delinquent list, on which the tax and penalty remains unpaid, for a term of years, in the manner and for the purposes expressed in said notice. The recorder shall also attend at the same time and place, and shall act as the clerk of such sale, and on receiving from the purchaser or purchasers the amount of tax and penalty charged upon any of said real estate, shall under his hand and the corporation seal deliver to such purchaser or lessee a certificate or declaration of sale, stating the amount of money paid for said real estate, describing it as the same is described in the tax duplicate; by virtue of which certificate or declaration, and of this act, such purchaser, his or her heirs, executors, administrators, or assigns, shall lawfully hold and enjoy such real estate, against the owner or owners thereof, and all claiming under him, her or them, for and during the term of one year from and after said sale, if it shall have been purchased for so long a term; unless sooner redeemed by the owner or owners thereof in manner hereinafter provided, at the expiration of which term of one year the recorder shall make out and deliver to said purchaser, his heirs or assigns, on demand, a deed or lease, under his hand and the seal of the corporation, for such lot or parcel of land, for the term for which the same was purchased, by virtue of which lease or deed such person or persons shall hold and enjoy the same until such term shall be complete and ended. And such purchaser or purchasers, his, her, or their heirs or assigns, shall be at liberty, in case such lot or parcel of land is redeemed within the time aforesaid, to remove all buildings and improvements which he, she, or they may erect or make thereon previous to the same being redeemed within a reasonable time thereafter; or in case such lot or parcel of land shall not be redeemed as aforesaid, then and in that case such building or improvements may be removed at any time before the expiration of the term for which such lot, or parcel of land may have been sold or leased.

Sec. 29. That whenever any real estate shall have been sold or leased under the provisions of the foregoing section, it shall and may be lawful for the owner or owners thereof, or any person on his, her, or their behalf, to redeem the same at any time within one year from the date of such sale or leasing, by paying or tendering to the purchaser thereof, or to his, her, or their heirs or assigns, double the amount of tax and penalty paid by the purchaser thereof, together with all subsequent taxes of whatsoever kind or nature, which may be assessed on such property and paid by him, her or them, and a further sum at the rate of fifty per centum per annum on the amount so paid by such holder or holders thereof, if such purchaser or holder shall reside, and be within the county of Laporte; or, if such purchaser or holder shall be non-resident of or absent from the said county of Laporte, thereby depositing the same in the treasury of said city for the use and benefit of such person or persons as may pe entitled thereto, and giving public notice thereof, for three weeks successively in some public newspaper of general circulation, printed in said county, if any be printed therein; and if not, then by publishing the same in some such paper printed nearest thereto, in either of which cases, all the right, title,

and interest of such purchaser or purchasers or any person or persons claiming by, through, or under him, her, or them, shall cease and determine.

SEC. 30. The collector shall also make, or cause to be made, a list of all real estate belonging to non-resident or unknown owners, on which the tax shall remain unpaid, in the same manner and adding the same penalty as is required in case of resident owners, and return the same to the recorder on or before the first Monday in January next thereafter; which said list shall be published for three weeks successively in some public newspaper of general circulation, printed in said county of Laporte, or if no such paper be published therein, then in some such paper printed nearest thereto, with a notice appended, that the same will be sold or leased on the first Monday in April next ensuing, if the tax and penalty remain so long unpaid; in which sale or leasing the same rules and regulations shall be observed by the collector and recorder, as are prescribed in case of the sale of real estate belonging to the resident owners, except that the certificate given to the purchaser shall not entitle him to a deed before the expiration of two years; and the owner or owners of any such lots or parcels of land, or any person on his, her, or their behalf, may redeem the same at any time within two years, in the same manner as is provided for the redemption of resident property.

SEC. 31. The collector is hereby authorized and required, whenever the tax levied on any personal estate, or any person subject to a poll tax remains unpaid on the first of December in any year, to cause the same to be made of the goods and chattels of the person charged therewith, by distress and sale, giving the same notice of sale as is required of constables in their sales on execution from justices of the peace, paying the surplus of the avails of such sales (if any) to the per-

son against whom such tax stands charged on demand.

SEC. 32. It shall be the duty of the collector to pay over, on the first Monday of every month, to the treasurer of said city, all moneys

he may have in his hands belonging to said city.

SEC. 33. The common council shall have power to lay out, make, open, alter, widen, contract, straighten, discontinue, grade, level, pave, repair, McAdamize, and gravel, streets, alleys, lanes, highways, roads, side-walks, drains, sewers, and aqueducts, and to make, lay out, open, alter, or discontinue docks, wharves, piers, and slips. The common council shall in the ordinance directing any of the improvements in this section specified to be made, particularly describe such improvement or improvements, and determine the amount of money which shall be raised therefor; and shall appoint three disinterested freeholders of said city assessors to proceed and view the real estate affected by such improvements. The said assessors shall, before proceeding to the discharge of their duties, take an oath or affirmation, before some person authorized to administer oaths, faithfully and impartially to discharge such duty, according to the best of their ability, and give at least two weeks notice, in the corporation newspaper, of the time of making their assessment on the real property affected by the contemplated improvement. The assessors, or a majority of them shall, at the time

fixed in their notice as aforesaid, proceed and examine first the real estate (if any,) which, in their opinion, will be injured by such improvement, and assess the damages thereto, which shall be added to the amount directed by the common council to be raised for the making of said improvement. The said assessors shall next proceed to view the real estate which in their opinion will be benefited by such improvement, and assess the amount ordered to be raised by the common council, together with the amount of damages to other real estate thereon, in proportion to the benefit resulting to such property. The said assessors shall make a return of their proceedings to the recorder within ten days. It shall be lawful for any person or persons feeling themselves aggrieved by the assessment of said assessors to appeal therefrom at any time within twenty days after the return of said assessors to the Laporte circuit court, the appellant first filing with the recorder, or mayor, or in case of their absence, with any member of the common council, a bond with good and sufficient security, payable to said city, in a sum sufficient to secure the costs that may accrue in said circuit court, conditioned for the due prosecution of said appeal, and to pay all costs that may be awarded against the appellant in said circuit court; and the said cause or causes shall be subject to and governed by the same rules in the said circuit court as other suits at law, and when an appeal is taken, it shall be the duty of the recorder, or in case of his absence, of the common council, to make out and certify under his, or their hands, and the corporation seal, a true and full transcript of all the proceedings before them of said assessment, and to cause the same, together with the appeal bond, and all other papers in the case, to be filed with the clerk of the circuit court in Laporte county, within twenty days after filing the appeal bond as aforesaid. The clerk shall docket the cause in the same manner that other appeals are docketed.

Sec. 34. It shall be the duty of the recorder, within thirty days after the return of said assessors as aforesaid, and in case no appeal shall be taken as is in the last section named, or in case of appeal, after final decision, to deliver a duplicate or copy of their said assessment to the collector of said city, whose duty it shall be to collect the sums charged thereon within sixty days thereafter, if said assessments remain unpaid at the expiration of said sixty days, it shall be the duty of said collector to proceed to sell the real estate upon which said assessments remain unpaid, in the same manner and under the same regulations as are prescribed for the sale of real estate for taxes, except that the real estate of resident owners may be sold at any time after giving twenty days notice thereof, and that of non-residents three months; and the real estate so sold as in this section is provided, may be redeemed in the same manner as real estate

sold for taxes under this act.

Sec. 35. It shall be the duty of the street commissioner to superintend all the public improvements ordered by the common council, and to make contracts for the work and materials which may be necessary for the same, and shall be the executive officer to carry into effect the ordinances relating thereto, so far as requires the improve-

ments authorized in the thirty-fourth section, of this act; and shall keep accurate accounts of all moneys expended by him in the performance of his duties, and for what purpose, and shall make report of the same to the common council at their monthly meetings.

Sec. 36. The common council shall have power to borrow money upon the credit of said city, at a rate of interest not exceeding ten per cent. per annum for the use thereof: *Provided*, That not more than five hundred dollars shall be borrowed in any one year, unless by a vote of a majority of the electors present at a meeting called for that purpose; of which meeting ten days previous notice shall be given, by publishing the same in some public newspaper of general circulation, printed in said city, or by posting up the same in five of the most public places in said city, in which case a sum not exceeding two thousand dollars may be borrowed in one year: *Provided*, further, That the whole amount so borrowed, shall at no time exceed five thousand dollars.

SEC. 37. That no person having obtained a license from the board doing county business in said county under the statute laws of this state, to retail ardent spirits or strong liquors within the corporate limits of said city, shall be suffered so to do until he, she, or they shall also have obtained a corporation license so to do, from the said corporation; which corporation license shall not be granted for a sum less than fifty nor more than one hundred dollars, for one year's privilege under this act.

SEC. 38. Every by-law and ordinance imposing a penalty or forfeiture for a violation of its provisions shall, before the same shall be put in force, be published for three weeks successively in some newspaper of general circulation, printed in Laporte county, or written notices posted up in five conspicuous places in said city, except otherwise provided in this act.

SEC. 39. No property belonging to the United States, or to this state, or to Michigan City, or church or school property, shall be liable to taxation under or by authority of this act.

SEC. 40. No person shall be incompetent to serve as judge, justice, juror, or witness, in any suit in which Michigan City is a party, in consequence of being a freeholder or inhabitant thereof.

SEC. 41. That all that portion of Trail creek, from its mouth to the centre of section number twenty-eight, in township number thirty-eight north, of range number four west, and all streets, lanes, and alleys in said city, are hereby declared public highways.

Sec. 42. If at any time any of the officers authorized to be elected or appointed by this act, are absent or unable to attend to the duties of their respective offices, in the time prescribed by this act, the common council shall have power to make temporary appointments, until the return of such officers, or until their disability shall be removed, or in case of vacancy, until an election can be held to fill such vacancy: *Provided*, That the common council shall, in no instances, have power to appoint any aldermen.

SEC. 43. That the said common council shall, and are hereby authorized and required to appoint annually three commissioners as a board of health for said city, and the mayor of said city, or presiding officer of the common council, shall be president of the board, and the recorder of said city shall be clerk of said board, and shall keep minutes of the proceedings thereof. The said common council shall also at their pleasure appoint a health physician, and as often as the office shall become vacant, and may remove him at pleasure, whose duty it shall be to visit every sick person, who may be reported to the board of health as hereafter provided, and to report, with all convenient speed, his opinion of the sickness of said person to the clerk of the board of health, and it shall be the duty of said physician to visit and inspect at the request of the president of said board, all boats and vessels running to or being at the wharves, landing places, or shores in said city, which are suspected of having on board any pestilential or infectious disease, and all stores or buildings which are suspected to contain unsound provisions, or damaged hides or other articles, and to make report of the state of the same with all convenient speed to the clerk of the board of health.

Sec. 44. In case any boat or vessel shall be at or near any of the wharves, shores, or landing places in said city, and the said board of health shall believe that such boat or vessel is dangerous to the inhabitants of the said city, in consequence of their bringing and spreading any pestilential or infectious disease among said inhabitants, or having just cause to suspect or believe that if the said boat or vessel is suffered to remain at or near the said wharves, shores, or landing places, it will be the cause of spreading among the inhabitants any pestilential or infectious disease, that it shall be lawful for the said board by an order in writing signed by the president for the time being, to order such boat or vessel to any distance from said wharves, shores or landing places, not exceeding three miles beyond the bounds of said city, within six hours after the delivery of such order to the owner, master, or consignee of said boat or vessel. And if the owner, master, or consignee to whom such order shall be delivered shall neglect or refuse to comply therewith, the said president may enforce such removal, and said owner, master, or consignee shall be fined a sum not exceeding two hundred and fifty dollars, and imprisoned not exceeding three months in the jail in Laporte county by any court having cognizance thereof; the said fine when paid to be applied by said board to the support of the treasury of Michigan City.

Sec. 45. Every person practising physic in said city who shall have a patient laboring under any malignant, or yellow fever, cholera, or other infectious or pestilential disease, shall forthwith make report thereof in writing to the clerk of said board of health, and for neglecting so to do, shall be considered guilty of a misdemeanor and liable to a fine of fifty dollars, to be sued for and recovered in an action of debt, in any court having cognizance thereof with costs, for the use of the treasury of said city.

SEC. 46. All persons in the city, not being residents thereof, who shall be infected with any infectious or pestilential disease; and all things within the said city, which in the opinion of the said board shall be infected by or tainted with pestilential matter, and ought to be removed, so as not to endanger the health of said city, shall by order of the said board of health be removed to some proper place not exceeding three miles beyond the bounds of said city, to be provided by the said board at the expense of said city, and the said board may order any furniture or wearing apparel to be destroyed whenever they may judge it necessary for the health of said city.

Sec. 47. This act shall be a public act and favorably construed in all courts and places for the purposes therein mentioned. And all copies thereof and of such parts of the several acts to which this is an amendment as remain in force, made under the authority of the common council, shall be received in evidence in all courts and places, in the same manner and with the same effect as if published under the authority of this state: *Provided*, That nothing in this act shall be construed as granting to said corporation any banking privilege whatever.

Sec. 48. So much of the act, approved February 8th, 1836, and of the act aproved February 6th, 1837, as are inconsistent with the provisions of this act are hereby repealed: *Provided*, That all suits, actions, prosecutions, contracts, and claims, and all improvements and other matters ordered, commenced, or completed, shall remain, be obligatory, continue, and be carried on in the same manner as if this act had never been passed.

Sec. 49. This act shall take effect and be in force from and after its passage; but shall be subject to amendment or repeal by the legislature, at any time hereafter.

CHAPTER CVII.

An Act for the relief of Henry Good, of the county of Boone.

[APPROVED, FEBRUARY 4, 1841.]

Whereas, It is represented to this general assembly, that one Hiram Harman became the purchaser of lot number three, being the northeast quarter of the northwest quarter of section sixteen, in township eighteen north, of range two east, situate in the county of Boone, of the school commissioner of said county, from whom he obtained a certificate of purchase, which certificate said Harman assigned, without his acknowledgment of the same being taken, and afterwards left said county and went to parts unknown;

therefore, to enable the holder of said certificate to obtain a title to said premises, by the payment of the principal and interest yet due,

Be it enacted by the General Assembly of the State of Indiana, That the school commissioner for the county of Boone, be, and he is hereby authorized, upon the payment of the amount due of principal and interest on lot number three, being the northeast quarter of the northwest quarter of section sixteen, in township eighteen north, of range two east, situate in the county of Boone, to execute to the said Henry Good a deed for the same, according to the provisions of the twenty-third section of the eighth chapter of "an act incorporating congressional townships and providing for public schools therein," approved February 17th, 1838.

This act to be in force from and after its passage.

CHAPTER CVIII.

An Act for the relief of Elvira Garner.

[Approved, February 10, 1841.]

Whereas, It has been represented to the general assembly of the state of Indiana, that in August, 1838, Henry Garner, late of Rush county, Indiana, departed this life, leaving his widow Elvira Garner, with a large family of infant children to her care, and said widow, not being acquainted with the law, failed to take an appraisement, the hundred dollars allowed by law to widows of this state: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the administrator of the estate of Henry Garner, late of Rush county, deceased, is hereby authorized and required to pay over to Elvira Garner, widow of said deceased, the sum of one hundred dollars, the amount said widow would have been entitled to at appraisement, and take said widow's receipt for the same, and the probate judge of Rush county is hereby required to confirm the payment of said money: *Provided*, That no creditor of said estate suffer loss thereby.

This act to take effect and be in force from and after its passage.

CHAPTER CIX.

An Act for the relief of Joseph H. Hendricks.

[Approved, February 13, 1841.]

Whereas, It is represented to this general assembly, that Joseph H. Hendricks, contracted with John Woodburn, commissioner on the Madison and Lafayette rail road, for the grading of the second section of the first division of said road; and whereas it is also represented, that said Hendricks has, in pursuance of said contract, faithfully performed the stipulated labor on said section, and that estimates, for some length of time, have not been awarded to said Hendricks, by the engineer in charge of that work, and that full payment has not been made to said Hendricks: Therefore,

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That it is hereby made the duty of the principal engineer, to cause estimates to be made as soon as practicable of the work and labor done, and materials furnished by Joseph H. Hendricks for which payment has not been made, or estimates awarded, ascertaining as near as may be, the amount due to him for work done on said section; and said engineer shall forthwith furnish to the acting commissioner on said road, a certificate exhibiting the amounts due said Hendricks for said work.

SEC. 2. Be it further enacted, That it is hereby made the duty of the said acting commissioner to draw on the fund commissioner, for the amount of all the moneys due said Hendricks, on said contract, for work and labor done and materials furnished, in grading said road, with interest on the same from the first of January, eighteen hundred and forty-one, until the date of said draft.

Sec. 3. Be it further enacted, That it is hereby made the duty of the fund commissioner to pay to said Hendricks, the amount of said drafts out of any moneys that may be realized from the sale of any bonds which can be applied to the construction of said road, or any part thereof: Provided, That if said fund commissioner has no funds out of which he can pay said drafts, it is hereby made his duty to institute suit on the contract made with certain persons residing in the city of Madison for the sale and purchase of state bonds to the amount of four hundred thousand dollars, and recover the money due on said contract, he shall pay so much of the same, when collected, as is necessary to pay said Hendricks.

This act to be in force from and after its passage.

CHAPTER CX.

An Act for the relief of the heirs of John Sawyer, deceased.

[APPROVED, FEBRUARY 10, 1841.]

Whereas, many partitions heretofore made in this state are invalid in law; and whereas, partition has been made of all the real estate of said Sawyer, situate in this state, by and between his heirs, some of whom are minors, and executed such partition through their respective guardians: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That such partition be, and is hereby legalized in all things, and made valid to transfer and convey the respective interests of said heirs, according to the terms of such partition.

This act to be in force from and after its passage.

CHAPTER CXI.

An Act changing the name of William Wallace.

[APPROVED, FEBRUARY 13, 1841.]

Whereas, It is represented to this general assembly, that William Wallace, a minor, was born in lawful wedlock, in the year 1831, and that his parents, William Wallace and Hannah Wallace, are dead, and that his mother Hannah Wallace committed the education and culture of said infant to William G. Ewing and Esther Ewing his wife, and it being further represented, that it is desired by all the parties above named now living, that the name of said minor, William Wallace, be changed to the name of William G. Ewing;

Be it therefore enacted by the General Assembly of the State of Indiana, That the name of said William Wallace be changed to William G. Ewing, and that he be known and designated by the name last aforesaid, and no other.

This act to be in force from and after its passage.

CHATER CXII.

An Act for the relief of John S. Reed.

[Approved, December 19, 1840.]

Whereas, John S. Reed, a native of Scotland, and now a resident of the county of Union, has filed a declaration of his intention to become a citizen of the United States; and whereas, the said Reed has procured a certificate of his good moral character, and is anxious to procure a license to practise law in the state of Indiana: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the said John S. Reed, upon his procuring a license for that purpose, according to law, be, and he is hereby authorized to practise as an attorney and counseller at law in this state, upon taking an oath of office.

This act to be in force from and after its passage.

CHAPTER CXIII.

An Act for the relief of David Stiver.

[Approved, February 8, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the circuit court of the county of Franklin, to take cognizance of the case of David Stiver, upon petition, as in other cases, and grant to the said David Stiver a divorce from his wife Mary, upon proving to the satisfaction of said court, an abandonment with intention to wholly abandon said David Stiver, on the part of his wife, or any other just ground of divorce, the said David complying with the laws now in force, relative to the granting of divorces, in giving the necessary notice of the pending of said petition.

This act to be in force from and after its passage.

CHAPTER CXIV.

An Act for the relief of Micajah Barkley.

[Approved, February 2, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the board doing county business for the county of Decatur to make such allowance as they may think reasonable and proper, to be paid out of the county treasury, to Micajah Barkley, to assist him in the support of Robert Barkley, a lunatic, and justly a charge upon said county of Decatur.

This act to take effect and be in force from and after its passage.

CHAPTER CXV.

the decoded by the General incoming of the State of Indiana, That the said John S. Reed, upon his procuring a been for that

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An Act to enable George G. Dunn, guardian of the minor heirs of Moses Fell deceased, to convey certain real estate.

[Approved, February 13, 1841.]

Whereas, it appears to this general assembly, that Moses Fell, late of Lawrence county, deceased, had before his death, executed a large number of title bonds for the conveyance of real estate, and held also a number of mortgages upon real estate, which it is necessary to release upon the payment of the purchase money; and whereas, the execution of deeds under said title bonds and the release of said mortgages, will subject the estate of said Fell to great expense, if the same are required to be made, by the ordinary course of law: Therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the circuit court in and for the county of Lawrence, (on the chancery side thereof,) shall, (and it is hereby fully empowered so to do,) grant to George G. Dunn, guardian of the minor heirs of Moses Fell, deceased, full right and authority, as commissioner, by and under the authority of said court, to execute conveyances for such real estate as the said Fell in his life time was bound to convey, by virtue of any title bonds executed by him, and also to release all such mortgages as were held for real estate by said Fell, upon the payment to the estate of said Fell, the consideration of such title bonds, and the amount due upon such mortgages.

SEC. 2. Upon petition of said guardian, the said circuit court shall make an order, authorizing such conveyances and releases, and it

shall, and is hereby made the duty of said guardian, to report his proceedings under such order to said court, and the same shall be spread upon the order book.

This act to take effect and be in force from and after its passage.

CHAPTER CXVI.

An Act for the relief of the heirs of John Buck.

[APPROVED, JANUARY 5, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That all the real estate of which John Buck, late of the county of Franklin died seized, (and which became forfeited to the state by reason of his being an alien) be, and the same is hereby vested in the persons who would be his heirs at law, had he and they at the time of his decease been citizens of the United States.

This act to be in force from and after its passage.

CHAPTER CXVII.

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An Act to confirm to Enoch D. John, and Cornelius G. W. Comegys, certain water power therein named.

[Approved, February 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That a certain lease of water power on the White Water canal, at the termination of the lower basin near the Ohio river at Lawrenceburgh, executed by Noah Noble, acting commissioner on behalf of the State of Indiana, to Enoch D. John, and Cornelius G. W. Comegys, be, and the same is hereby confirmed to said John and Comegys, their heirs and assigns.

SEC. 2. The said John and Comegys, their heirs and assigns shall, at the expiration of their said lease, be entitled to a renewal of the same, upon the same terms, and under the same restrictions and limitations that water power shall then be leased upon the upper arm of the basin, at or near the tumble, or at any point in that vicinity by the state of Indiana, upon lands belonging to the state: *Provided*, that said John and Comegys, their heirs and assigns shall then pay

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to the state as much per cubic foot as the same could be rented for by the state, by the use of said water one or more times.

SEC. 3. Hereafter it shall not be lawful for the board of internal improvement, or any other agent of the state, to lease any water power on any of the public works, except upon the land, to which the state may have the title in fee simple, free from any revisionary interest, or other condition whatever.

CHAPTER CXVIII.

An Act allowing further time for the assessor of Lawrence county, to complete his assessment, and for other purpose:

[Approved, February 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That William Newland, the assessor, for the county of Lawrence, be, and he is hereby, allowed further time, until the first Monday in June next, to complete and make return of his assessment, to the board doing county business for said county of Lawrence. And the said board doing county business, is hereby authorized at its June, or any other term, to make such allowance as compensation to said assessor, as to them may seem proper.

This act to take effect and be in force from and after its passage.

CHAPTER CXIX.

An Act to confirm to Nathaniel West, a lease of certain water power therein named.

[Approved, February 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That a certain lease of water power on the central canal near Indianapolis, made and executed on the first day of January, in the year 1840, by Noah Noble, acting canal commissioner on behalf of the state of Indiana, to Nathaniel West for the term of thirty years from the date thereof, be, and the same is hereby confirmed to the said Nathaniel West, his heirs and assigns.

SEC. 2. The said Nathaniel West, his heirs, and assigns shall, at the expiration of thirty years, the duration of said lease, be entitled to a renewal of the same, upon the same terms, conditions and restrictions, that water power upon said central canal, at the upper basin, near Indianapolis, can then be leased by the state of Indiana.

SEC. 3. In the renewal of such lease, the price or rent of the water shall be so fixed, that the state shall receive the same amount that she could then obtain for the same number of cubic feet of water, if leased and used at two falls at Indianapolis, embracing the whole descent from the canal to the river.

This act to be in force from and after its passage.

CHAPTER CXX.

An Act to incorporate the town of Connersville in the county of Fayette.

[Approved, February 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joshua McIntosh, Aquilla Hattan, George Fryburger, Robert Swift, and John Noble, be, and they are hereby, appointed trustees of the town of Connersville, in the county of Fayette, to serve as such, until the first Monday in June, 1841, and until their successors are elected and qualified as hereafter directed.

SEC. 2. That said trustees, and their successors in office shall be, and they are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of the president and trustees of the town of Connersville, and by their corporate name, shall be capable both in law and equity, to sue and be sued, plead and [be] impleaded, answer and be answered unto, defend and be defended, in any and all courts of competent jurisdiction; and said trustees and their successors shall have full power to ordain, enact, and establish, and put in execution, all such laws, ordinances, and regulations as they shall deem necessary, for the police, good government, and order of said town, subject to the limitations hereinafter provided, and not inconsistent with the constitution and laws of the United States, and of this state. The limits of said corporation shall be coextensive with the several town plats which now are, or which may hereafter be duly recorded as a part of said town; and the powers of said president and trustees shall extend over said limits, and the commons adjacent thereto, and the grave yard now commonly used in the vicinity thereof in the north.

SEC. 3. On the first Monday in May 1841, and annually thereafter, there shall be an election held in some convenient place in said town, to be designated by the president and trustees for said corporation, at which election all white male citizens of said town possessing the qualifications of voters for state and county officers, who shall have resided within said corporation three months next preceding said election, shall be entitled to vote, and it shall be the duty of the president and trustees to give ten days notice of the time and place

of holding such election, posting up in three public places written or

printed notices of such election.

SEC. 4. The president of said board of trustees, or in his absence, any one of the trustees, shall act as inspector of such elections, and shall appoint two of the voters of said town as judges of such elections, together with the necessary clerks, who shall thereupon receive the votes of the voters of said town, for five trustees to serve as such for the ensuing year, or until their successors shall be chosen and qualified: Provided, that should any thing occur to prevent said elections from being held at the time specified herein, that the trustees shall direct an election to be held at a subsequent time to be by them specified, which election shall be conducted as is above provided.

SEC. 5. It shall be the duty of the inspector and judges of said election, to certify under their hands and seals to the election of those persons who shall receive the highest number of votes, a copy of which certificate shall be furnished to each of the persons elected, and shall also be recorded upon the minute book of said trustees. The said trustees thus elected, shall within twenty days after such election, take an oath or affirmation, to faithfully discharge their duties as such trustees, and elect one of their number as president, whose duty it shall be to preside at all meetings of the board, preserve order, sign the journal of proceedings, and all by-laws and ordinances which may be adopted.

SEC. 6. A majority of the trustees shall constitute a quorum, and shall meet upon their own adjournments, and appoint all officers necessary to carry into effect the provisions of this act, and make them such compensation, as to them may seem reasonable. No person shall be eligible to the office of trustee in said corporation unless he be a qualified elector, and a freeholder or householder within the bounds of said corporation. When vacancies happen by death, resignation or otherwise, they shall be filled by the appointment of the

residue of the trustees, until the next annual election.

Sec. 7. The president and trustees shall have full power and authority to levy, assess, and collect annually from each male inhabitant of said town of full age, and not a pauper, a poll tax not exceeding fifty cents in any one year, and also a tax on real property of every description within the corporation, and upon such goods and chattels. as they shall, from time to time, designate, not exceeding one half of one per centum on the cash value thereof. All the property belonging to the present corporation of the town of Connersville, both real and personal, embracing the grave yard in the vicinity of said town, the market house, fire engine, fire hooks, and ladders, and all other property belonging to said corporation, shall hereafter belong to the corporation hereby created, and the legal title to the same, and the full control thereof, shall be vested in the said president and trustees.

SEC. 8. Said president and trustees shall in the month of September 1841, and yearly thereafter, determine what goods and chattels, if any, shall be assessed and taxed, also what amount of poll tax shall be assessed, and what amount in the valuation shall be assessed and collected upon the real estate within said corporation, and enter the same upon their record, and shall thereupon appoint an assessor, who shall assess the inhabitants liable to a poll tax, and also appraise and assess the property liable to taxation as aforesaid. Said assessor shall give bond in the penalty of one thousand dollars payable to said president and trustees, and conditioned for the faithful discharge of his duties, and shall also take an oath for the due performance of the same, and upon any failure on the part of such assessor, faithfully to perform the duties of his said trust, the president and trustees shall bring suit upon his bond, in the circuit court, and recover damages for the branch thereof. It shall also be the duty of such assessor, to complete and return such assessment, within twenty days from the

time of his appointment.

SEC. 9. As soon as such assessment shall be returned, it shall be the duty of said president and trustees to appoint a collector for said corporation, who shall give bond in such sum as the president and trustees may direct, with security to their approval, conditioned for the faithful discharge of his duties as such collector, and for the prompt payment of all moneys which he may collect. And thereupon the clerk of said board shall forthwith make and deliver to such collector, a copy of the assessment roll returned by the assessor, and the delinquent taxes of any preceding years, together with a precept under the seal of said president and trustees, commanding him in the name of the president and trustees of the town of Connersville, to proceed to collect the taxes charged upon such assessment roll, and to return the said assessment roll, with his doings thereon, on or before the first day of February then next ensuing.

SEC. 10. The collector shall, after receiving such assessment roll, demand payment of the taxes of the persons thereon charged respectively, or at their usual place of residence, and if the same shall not be paid on or before the first Monday in January next after receiving such assessment roll, the collector shall proceed to collect the same by distress and sale of the goods and chattels of the person charged therewith, giving ten days notice of the time and place of such sale, by three written advertisements put up in some public place in said

SEC. 11. If no goods and chattels can be found, out of which to make the taxes due from any person as aforesaid, the collector, after giving three weeks notice in any newspaper which may be published in said town, or if no newspaper shall be published there, then by written or printed advertisements, put up in three public places in said town, shall on the fourth Monday in January, between the hours of ten o'clock, A. M., and four o'clock, P. M., of said day, proceed to sell at public auction, before the court house door, the rents and profits of all such lands, tenements, and hereditaments, as may be found in said town, being the property of said person from whom said taxes may be due, for the shortest time the same can be sold for, and produce an amount sufficient to discharge said taxes, and the costs of such sale: Provided, Said time shall not extend beyond

seven years. And in case the sale of the rents and profits will not produce the sum required, the collector shall sell the fee-simple, or the entire interest of the owner thereof, to the highest bidder for cash in hand, or so much thereof, where the same can be conveniently divided, as will be sufficient to pay said taxes and costs, and after deducting the taxes and costs aforesaid, shall pay the residue, if there be any, to the person thus charged with the taxes.

SEC. 12. In case of the sale of the rents and profits of any property as is provided for in the preceding section, the collector shall give to the purchaser a certificate of the sale, describing the property sold, the period for which it was sold, and specifying the amount of taxes and costs for which it was sold; which certificate shall vest in the purchaser an indefeasible title to the property for the term therein specified; and the same shall be prima facie evidence of the regularity of the proceedings; Provided, however, That any person interested therein, may redeem said property so sold, by paying to the purchaser thereof, or to the clerk of said president and trustees, within two years from such sale, the amount for which the same was sold, together with fifty per centum thereon, and all taxes thereon, which shall have accrued and been paid by such purchaser since

SEC. 13. In all cases of the sale of the fee-simple of any lands, tenements, and hereditaments, as herein before provided, the collector shall execute to the purchaser a conveyance therefor; which conveyance shall invest in the purchaser an indefeasible title to the property so sold; and such conveyance shall be prima facie evidence of the correctness of such proceedings: Provided, That any person interested therein, may redeem the property so sold, according to the provisions of the preceding section.

SEC. 14. The collector, besides the cost of printing, shall be allowed ten per centum on all taxes collected by distress and sale, of either real or personal property, to be paid out of the proceeds of said sale, as a compensation for such services. And he shall specify in his return of the precept, what taxes have been thus collected, describe the property sold, and name the purchaser. He shall also, in said return, state what taxes remain unpaid for want of property, and shall attach to said return an affidavit of its truth.

SEC. 15. The president and trustees shall have full power to refund any money wrongfully collected as taxes, and to correct any

assessment or tax list.

SEC. 16. The president and trustees, in addition to the powers herein before granted, shall have the management and control of the finances, and all the property, both real and personal, belonging to the corporation, and shall have power, within the limits of said town, to make, establish, publish, alter, amend, and repeal ordinances, rules, regulations, and by-laws, for the following and other necessary pur-

First. To prevent, restrain, prohibit, and punish all descriptions of gaming in said town.

Second. To grant license for, or prohibit the exhibition of common showmen, and of shows of every kind, or exhibition of natural or artificial curiosities, caravans, equestrian, or theatrical performances.

Third. To prevent any riots or disturbance, or disorderly assem-

blies in said town.

Fourth. To regulate the keeping and storing of gunpowder, and other combustibles and dangerous materials, and the use of candles and lights in barns and stables.

Fifth. To prevent immoderate riding, or driving in any of the

streets of said town.

6th. To prevent the encumbering of streets, side-walks, and alleys, with carriages, wagons, carts, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, building materials, or any other substance or material whatever.

7th. To restrain and regulate the running at large of horses, swine, sheep, goats, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the costs of prosecution.

Sth. To prevent the running at large of dogs, and to authorize the destruction of the same when at large, contrary to any ordinance of

the corporation.

9th. To prohibit any person bringing, having, or depositing within the limits of the town any dead carcass or other unwholesome substance, and to require the removal or destruction of the same, by the person on whose premises the same may be found.

10th. To require all persons to keep the snow, ice, and dirt from the side-walks in front of the premises owned or occupied by them.

11th. To abate and remove nuisances, to prevent or punish obscene exhibitions; and, for this purpose, the jurisdiction of said corporation is extended to the distance of half a mile beyond the limits of said town, in every direction.

12th. To provide for the burial of the dead, and to provide for the

security and sanctity of public burying grounds.

13th. To regulate guaging, the inspection of provisions, the place and manner of selling and weighing hay, of measuring and selling wood, and to appoint a suitable person to attend to the same.

14th. To establish, make, and regulate public pumps, wells, cisterns,

and reservoirs.

15th. To establish and regulate pounds.

16th. To establish a market for the sale of provisions, and prescribe all necessary regulations for the same.

17th. To provide by insurance or otherwise for the security of the property of the corporation.

18th. To prevent the firing of guns, pistols, and prohibit all fire-

works within said town.

19th. To restrict or prohibit the exhibition of stud horses within the streets of said town.

SEC. 17. The president and trustees shall have power, from time to time, to appoint such marshals, constables, or other officers, as they

may deem necessary, to carry out and enforce all orders, ordinances. by-laws, decrees or regulations of said corporation, to prescribe their duties, and regulate their compensation, and remove all such officers at pleasure.

SEC. 18. The president and trustees shall have power to grant license for the retailing of spirituous liquors within said town, and shall charge for such license, any sum not exceeding twenty-five dollars for one year; and any person who shall retail any spirituous liquor within the limits of said town, without having first procured a license from said president and trustees, notwithstanding such person may have a license from the board doing county business, shall be liable to indictment, and upon conviction, shall be fined for each offence, in any sum not less than two nor more than twenty dollars: Provided, that the restrictions and provisions of the fifty-sixth section of the act

any indictment for violating the provisions of this section, if it aver the offence to have been committed within the limits of said town and that the town is incorporated, and in other respects it be a good indictment under said fifty-sixth section, then such indictment shall be deem-

relative to crime and punishment, approved, February ten, eighteen

hundred and thirty-one, shall be taken as a part of this section; and

ed sufficient in this behalf.

SEC. 19. The president and trustees may do and perform all things necessary to carry into effect the powers granted to them by this act. and enforce obedience of all rules, ordinances, decrees, by-laws, and police regulations, made in pursuance of this act, by imposing penalties for the violation thereof, not exceeding one hundred dollars for any one offence, to be recovered in the name of the president and trustees of the town of Connersville, before any justice of the peace of Favette county, in an action of debt, with costs of suit.

SEC. 20. Every such ordinance, by-law, police regulation or decree, imposing any penalty or forfeiture for a violation of its provisions. shall after its passage or adoption, be posted up in three public places in said town, or published two weeks in a newspaper in said

town, at the option of the president and trustees.

Sec. 21. In all actions brought to recover any penalty or forfeiture incurred by the violation of any ordinance or by-law made in pursuance of this act, it shall be lawful to declare in debt generally for such penalty or forfeiture, stating the by-law, ordinance or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence, and the defendant in like manner may plead the general issue in such action, and give any special matter of defence in evidence.

Sec. 22. The first process in any such action shall be a capias ad respondendum, and execution may be issued immediately on the rendition of judgment; and all expense incurred by prosecution, for the recovery of any fine or forfeiture as aforesaid, shall be defrayed by the corporation; and all penalties and forfeitures when collected, shall be paid into the treasury for the use of the corporation.

SEC. 23. The said president and trustees shall have the sole and

exclusive control over all the streets, alleys, and lanes of said town, with full power, from time to time, to open, grade, pave, and improve the same; and when it will improve said town to close and vacate any street or alley, and open others more beneficial to the citizens generally, and to sell, buy, and transfer any and all sites for such streets and alleys.

Sec. 24. On the organization of the president and trustees, as provided for in this act, they shall have full power and authority to demand and receive all books, papers, moneys, and effects, together with every species of property belonging to the existing corporation,

and dispose of the same as they shall deem expedient.

Sec. 25. This act to be in force from and after its passage; and it shall be deemed and taken to be a public act, and shall be favorably construed for every beneficial purpose; Provided, however, that the legislature may at any time alter, amend, or repeal the same; and provided further, that a poll shall be opened in the said town, on the first Saturday in April, eighteen hundred and forty-one, under the direction of the existing president and trustees of the town of Connersville, when the qualified voters of said town shall vote upon the acceptance or rejection of this charter; those in favor of accepting it shall put in a ticket with the word "accept" written thereon, and those opposed to accepting it, shall put in a ticket with the word "reject" written thereon; and if a majority of said voters shall vote against accepting the same, it shall be void.

CHAPTER CXXI.

An Act to incorporate the Livonia band of music:

[APPROVED, FEBRUARY 13, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Leonard H. Smith, William Thompson, James A. McPheeters, Benjamin Snodgrass, Wesley Brown, William H. Smith, T. T. Sherwood, Isaac McKinney, William Rigney, O. H. Brewer, Jeremiah McCullough, George McPheeters, J. C. Wible, S. W. Rigney, and their associates and successors, be, and they are hereby constituted and declared to be a body politic and corporate, by the name and style of the "Livonia Band of Musicians," with perpetual succession, and with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto in law and equity, and in all courts of legal proceedings whatever, to make, have, and use a common seal, and the same to alter or renew at pleasure.

Sec. 2. Said Livonia band is hereby authorized to adopt a con-

stitution, to make, establish, and enforce such by-laws, rules, and ordinances under said constitution as they may deem proper, not inconsistent with the constitution and laws of the United States or of this state.

SEC. 3. Said band may make and appoint all officers necessary for the management and direction of their association, may regulate the manner of appointing or electing such officers, fixing their term of service, and defining their duties, and may make such rules and regulations for the reception and expulsion of members as they may deem necessary.

SEC. 4. Said corporation may receive donations in money, property, musical instruments, or books, and may hold and devote the same to the purposes of the band. They may make a capital stock not exceeding two thousand dollars, in shares of five dollars each, to be taken and held by the members of the association, to be appropriated to the procuring of musical instruments, books, and instruction, or any kind of property necessary for their convenience in accomplishing the objects of the association, and may convey, alien, or sell any or all such property, and divide the proceeds among themselves, according to the proportion of their stock.

Sec. 5. The legislature reserves to itself the right to amend, alter, or repeal this act of incorporation at any time.

This act to be in force from and after its passage.

CHAPTER CXXII.

An Act for the relief of John Eldon.

[APPROVED, FEBRUARY 10, 1841.]

Whereas, it has been represented to the general assembly of this state, that Isabella Eldon, (late Isabella Wyron, and wife of John Eldon,) late of Franklin county, Indiana, deceased, who was at the time of her death a subject of the kingdom of Great Britain, died intestate, seized in fee of certain lands, situate in said county, leaving the said John Eldon of said county, her husband, who was a native of Great Britain, entitled to said real Estate, as tenant by the courtesy, if he had been a native born American; Therefore—

Be it enacted by the General Assembly of the State of Indiana, That the lands, tenements, and hereditaments of which the said Isabella Eldon died seized as aforesaid, situate in the county aforesaid, shall vest in the said John Eldon, her husband, as tenant by courtesy, in the same manner as though the said Isabella Eldon, and John Eldon had been citizens of the United States.

CHAPTER CXXIII.

An Act for the relief of William Truelock, collector of Scott county, for the years 1837 and 1838.

[APPROVED, DECEMBER 30, 1840.]

Be it enacted by the General Assembly of the State of Indiana, That William Truelock, collector of the state and county revenue, in the county of Scott, for the years 1837 and 1838, be, and he is hereby given further time, until the first day of August, 1842, to receive, collect, and receipt therefor, and complete settlement on all arrearages, that may be due and unpaid to him, as such collector, as fully and completely, as though his term of office had not expired, as such collector.

This act to be in force from and after its passage.

CHAPTER CXXIV.

An Act for the relief of Thomas Nichols.

[Approved, February 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the board of internal improvements be, and they are hereby directed to pay to Thomas Nichols the sum of three hundred dollars for extra work done in removing detached rock, on section number twelve, on the Indianapolis division of the Central canal; and which sum shall be in full discharge and payment of all claims of the said Thomas Nichols, for work on said section beyond the amount heretofore estimated and paid.

This act to take effect and be in force from and after its passage.

CHAPTER CXXV.

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An Act for the relief of A. B. Coleman.

[Approved, February 10, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the right, title, and interest of Abraham B. Coleman, of, in, and to lot number eighty-one, (81) on the original plan of the town of Evansville, in Vanderburgh county, and derived by purchase from Mary C. Hornbrook and Ann Acaster, daughters of Charles Phillips, late of the county of Gibson, deceased, is hereby declared to be as valid and effectual in law, for all purposes whatever, as if the said Mary C. Hornbrook, Ann Acaster, and Charles Phillips had been native born citizens of the state of Indiana.

This act to be in force from and after its passage.

CHAPTER CXXVI.

An Act for the relief of Mrs. Cecile Brandt.

[APPROVED, DECEMBER 22, 1840.]

WHEREAS, Charles Henry Jenneret, a native of Switzerland, but who it is believed, had became a naturalized citizen, departed this life at Madison in the year 1831, leaving no child or children, or their descendants in the United States, surviving him, except Mrs. Cecile Brandt, a daughter, and seized in fee by purchase of the following described part of a lot number one hundred and six, in the original town of Madison, to-wit: beginning at a point on Mulberry street, twenty-seven feet six inches, from the south-west corner of said lot, thence north with the line of said street twenty-eight feet six inches, thence east, parallel to the north and south lines of said lot, eighty-four feet, more or less, to the east line of said lot; thence south with said east line, to the south-east corner of said lot, on an alley; thence west with the line of said alley, twenty-five feet, more or less, to the line of a portion of said lot conveyed by Jeremiah Sullivan to George W. Bants; thence north with the east line of said portion, twenty-seven feet six inches; thence west with the said portion, to the place of beginning. And whereas, said Charles Henry Jenneret, by his last will and testament, bearing date 26th June, 1826, and recorded in the probate court of Jefferson county, attempted to devise said piece of ground to his son Philabert Jenneret, then residing in Madison aforesaid, who, however, died intestate and without issue, in the year 1828, and before his said father. And, whereas, it is deemed but just and right that said Cecile Brandt should have the benefit of said property; Therefore-

Be it enacted by the General Assembly of the State of Indiana, That said Cecile Brandt shall be, and she is hereby declared to be heir to said Charles Henry Jenneret, in the same manner, and to the same extent, as if they both had been native born citizens of the

United States, with full power of devising or otherwise alienating said premises; and the state of Indiana does hereby release and quit claim to said Cecile Brandt, her heirs and assigns forever, all right of escheat, or other right whatsoever in or to said premises.

This act to be in force from and after its passage.

CHAPTER CXXVII.

An Act for the relief of the collector of the county revenue for Spencer county.

[APPROVED, DECEMBER 30, 1840.]

Be it enacted by the General Assembly of the State of Indiana, That the collector of the county revenue in and for the county of Spencer, for the year 1840, have, until the first Monday in May next, for the payment of said revenue.

This act to take effect, and be in force from and after its passage.

CHAPTER CXXVIII.

An Act for the relief of William H. Evans.

[APPROVED, JANUARY 4, 1841.]

WHEREAS, the board of commissioners for Fayette county, did, at their September term, 1840, grant a license to William H. Evans to vend foreign merchandize in said county, from the ninth day of January, to the eighth day of September, 1840; Therefore-

Be it enacted by the General Assembly of the State of Indiana, That the action of said board in granting the license aforesaid, to cover said time anterior to the grant of the same, be, and the same is hereby in all things legalized, and said license is declared valid.

This act shall be in force from and after its passage.

CHAPTER CXXIX.

An Act for the relief of Marshall S. Wines.

[Approved, January 29, 1841.]

Whereas, the state is indebted to Marshall S. Wines of Allen county, for labor performed in the construction of the Wabash and Erie canal; and whereas, it is represented to this general assembly, that in consequence of his not being able to realize said debt due from the state, he was unable to pay the interest which became due on his canal lands, in the year 1840, and that he is subject to a penalty of one hundred per cent on the amount of said interest, or a forfeiture of said land: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That Marshall S. Wines is hereby relieved from any penalty that may have accrued, in consequence of his not having paid the interest on his canal lands, for the year 1840, and that he have time until October 1841 to pay said interest.

This act to take effect and be in force from and after its passage.

CHAPTER CXXX.

An Act relative to lands returned to the school commissioner of Laporte county.

[APPROVED, FEBRUARY 15, 1841.]

Whereas, it is represented to this general assembly, that many persons are likely to suffer by the illegal returns made by the collectors of revenue, for the county of Laporte for the years 1834, '35, '36, '37, '38, '39, and 1840, to the school commissioner of certain lands in said county for the non-payment of taxes thereon: For remedy whereof,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That on presentation of a receipt, in full for the tax of any year above [mentioned,] signed by the proper collector or his deputy, to the school commissioner of said county; such receipt shall be considered as including any land listed to the person to whom such receipt has been executed, and said school commissioner shall record the same as improperly returned by such collector.

Sec. 2. Where lands have been returned to the school commissioner of said county, for the non-payment of taxes, and the present

owners thereof are unable to produce receipts for the payment of tax thereon, for any year as aforesaid, such owner shall have the right to redeem the same within one year from the passage of this act, by payingt o the school commissioner the proper tax due thereon, together with ten per cent. per annum interest.

SEC. 3. It shall be the duty of the school commissioner immediately after the expiration of the time specified in the second section of this act, to make out a statement, of the lands so redeemed, specifying the year for which it was returned delinquent, the amount of state tax thereon and the per centage due the state, and report the same to the auditor of public accounts, and shall also transmit to the treasurer of state the amount so due.

Sec. 4. All sales or forfeitures of land returned to the school commissioner of said county, are hereby suspended for one year from the passage of this act.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CXXXI.

An Act for the relief of Orson Willard.

[APPROVED, FEBRUARY 10, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That if Orson Willard of the county of Sullivan, one of the legatess of Thomas A. Willard, deceased, shall cause the last will and testament of the said Thomas A. Willard, to be recorded in the recorder's office of Sullivan county, at any time previous to the first day of May next, it shall have the same force and efficacy in law, as if the same had been recorded during the time prescribed by the statute.

This act to be in force from and after its passage.

CHAPTER CXXXII.

An Act to authorize Enos Blair, former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county for the years 1836, '37, and 1838, for which he was collector.

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Enos Blair, collector of the state and county revenue, in the

county of Monroe, for the years 1836, '37, and 1838, be, and he is hereby authorized, to collect any state or county taxes that are remaining due and unpaid, under the same rules and regulations which he could have done during the time for which he was collector; and if he shall collect any tax or taxes, for which he shall have obtained a credit on account of delinquency, he is hereby required to pay such tax or taxes for which he shall have so obtained a credit, into the state or county treasury, in the same manner which it was his duty to have done during the time he was collector, and for any abuse of the authority herein given, he shall be liable to the same penalties which he would have been for a like abuse of power, during the time he was collector.

SEC. 2. This act to be in force from and after its passage, and a certified copy filed in the clerk's office of said county of Monroe.

CHAPTER CXXXIII.

An Act for the relief of Eli Davis.

[Approved, February 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the board of internal improvements, be, and they are hereby directed, to cause a re-measurement of the work done on sections eighteen and twenty, of the cross cut canal, by some disinterested engineer, on whose final estimate, it shall be the duty of said board to settle with Eli Davis, late a contractor on said cross cut canal, on equitable and just principles, taking into consideration all the facts connected with that contract, and the manner of its performance.

This act to be in force from and after its passage.

CHAPTER CXXXIV.

An Act to authorize the erection of a mill dam across Eel river in Wabash county.

[Approved, February 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the erection of a mill dam across Eel river, on the north east quarter of section five, in township twenty-nine north, range seven east, in Wabash county, by Peter Ogan, is hereby legalized: Provi-

ded, however, That said Peter Ogan, or his assigns shall pay to the proper person or persons all damages sustained by the erection of such dam, by paying such damages as have heretofore been assessed by a jury empanneled to assess said damages.

SEC. 2. To enable the said Peter Ogan, or his assigns, to pay the full amount of the damages sustained, to the proper person, he is hereby authorized to commence proceedings under the statute regulating the mode of suing out writs of ad quad damnum, in like manner, as if such proceedings had been commenced under such act, before the erection of such dam.

CHAPTER CXXXV.

An Act respecting licenses for retailing spirituous liquors in the city of Richmond.

[APPROVED, FEBRUARY 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That in case the board of commissioners of the county of Wayne, shall grant to any person a license to retail spirituous liquors, within the jurisdiction of the city of Richmond, in Wayne county, the said license shall not authorize the holder thereof to retail the same, without having also, first obtained a license from the council of said city.

SEC. 2. And in case any person shall retail spirituous liquor, within the jurisdiction of the city aforesaid, without having first obtained a license from the council of said city, he shall be subject to such penalties, as the authorities of said city shall provide in conformity with the charter of said city.

This act to be in force from and after its passage.

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An Act to authorize the sale of certain school lands in the county of Jay.

[APPROVED, FEBRUARY 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That Thomas Wheat, or his successor in office, as school commissioner for the county of Jay, be, and he is hereby authorized and required to sell the south west quarter, and the west half of the north

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east quarter, and the east half of the north west quarter of section number sixteen, township twenty-three north of range thirteen east, in the said county of Jay, at private sale, provided the same can be sold for the sum of nine hundred dollars; the said land to be sold on the same conditions as other school lands are now sold under the provisions of the law.

This act to be in force from and after its passage.

CHAPTER CXXXVII.

An Act relative to the vacating of Spring street, in the town of Covington, in Fountain county.

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Be it enacted by the General Assembly of the State of Indiana, That Spring street in the town of Covington, in Fountain county, be, and the same is hereby declared vacated.

This act to be in force from and after its passage.

CHAPTER CXXXVIII.

An Act for the relief of Alexander Beard.

[Approved, February 10, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the fund commissioners be, and they are hereby authorized to pay to Alexander Beard, the sum of fifty-three dollars and fifty-one cents, for work done on section fifteen of Cross-cut canal, as per engineer's estimate, dated December seventeen, eighteen hundred and forty, and check signed by Noah Noble, on fund commissioners, dated December twenty-three, eighteen hundred and forty.

APPROVED FREEDARY 15, 1841.]

searly it enacted by the treneral assembly of the State of Indiane, That Thomas Wheat, or his successor in office, as school comeas-

This act to be in force from and after its passage.

may form the chapter CXXXIX. See and and come of them selves to act as commissioner and superintentent of said works

An Act to vacate the town of Harrison, in Delaware county.

may be subscribed by said [Approved, January 2, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the town of Harrison, in the county of Delaware and state of Indiana, be, and the same is hereby declared to be vacated. This act to be in force from and after its passage.

CHAPTER CXL.

the Cross-out canal, on the application of said commissioner, to pro-

An Act to authorize the recorder of Cass county to correct his records in a certain and, ted no assarges des case therein mentioned. To the assurance bigs

To ronder will a [Approved, February 3, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the recorder of Cass county, be, and he is hereby authorized to correct the recorded plat of Logansport on the records of the county of Cass so that Ninth street on said plat may be numbered Eighth street, and Ninth street numbered Tenth street, to correspond with the intention of the proprietor of said town: Provided, That nothing in this act shall be so construed as to affect the rights of individuals heretofore accrued, or the title to any property heretofore sold.

This act shall be in force from and after its publication. another, who shall, after complying with the provisions of the anna-

to hies ain of mingrelad to the state to be seen the research that the state of the CHAPTER CXLI.

An Act to authorize the citizens of Clay county to drain the Round pond.

[APPROVED, FEBRUARY 8, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the citizens of Clay county, be, and they are hereby authorized to remove the timber and cut a ditch of sufficient depth and width to drain the Round pond, formed above the feeder dam on Eel river, in said county of Clay.

SEC. 2. That said citizens (or as many of them as are interested) may form themselves into a company, and appoint any one of themselves to act as commissioner and superintendent of said work, whose duty it shall be to receive subscriptions of money or labor, as may be subscribed by said citizens, for draining said pond, and shall appropriate the same, either by letting the work by sections to contractors, or otherwise, as the said company may agree upon.

SEC. 3. Said commissioner shall, before entering upon the duties of his office, enter into bond with security, to be approved of by the clerk of the circuit court of said county, in the sum of one thousand dollars, conditioned for the faithful performance of his duty, and shall

also take the necessary oath of office.

SEC. 4. It is hereby made the duty of the resident engineer on the Cross-cut canal, on the application of said commissioner, to proceed to mark and locate said ditch or drain on the shortest and cheapest route, having due regard to the interests of the state and private

property.

Sec. 5. In case of the failure or refusal of said engineer to make said location, having had twenty days' notice given in writing by said commissioner, or should there be no such engineer on that line of public work, then it shall be lawful for such commissioner to proceed to make the location as is provided for in the fourth section of this act.

SEC. 6. It shall be the duty of such engineer, or commissioner, to locate said ditch or drain that it will empty the waters of said pond into Eel river, a sufficient distance below the feeder dam as not to interfere with the water power, or the erecting machinery for the employment thereof.

SEC. 7. Said commissioner shall be allowed for his services such compensation as may be agreed upon by said company, to be paid

out of the fund created for the draining of said pond. on the fund created for the draining of said pond.

SEC. 8. If the commissioner aforesaid shall fail to comply with any of the provisions of this act, then said company may appoint another, who shall, after complying with the provisions of the third section of this act, have authority to demand and receive from his predecessor all moneys, books, papers, &c. belonging to his said office, and in case of refusal, then the aforesaid commissioner shall bring suit therefor, in any court having competent jurisdiction thereof, and have judgment and execution thereon, in his own name for the use of said company.

This act to take effect and be in force from and after its passage.

Be it enacted by the General Assembly of the State of Indiana, That the citizens of Clay county, be, and they are hereby authorized to remove the timber and cut a ditch of sufficient depth and width to drain the Bound pend, formed above the feeder dam on Bel river, in said county of Clay.

CHAPTER CXLII.

An Act to repeal an act entitled an act vacating a part of the town of Milford in the county of Kosciusko.

[APPROVED, FEBRUARY 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the act entitled an act to vacate a part of the town of Milford, in the county of Kosciusko, approved January 22, 1839, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER CXLIII.

An Act to amend an act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county.

[Approved, December 30, 1840.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons holding deeds, or other instruments of writing, the records of which have been destroyed by the burning of the clerk's and recorder's office in Jasper, Dubois county, who have failed to avail themselves of the benefit of the act to which this is an amendment, may present all such deeds, or other instruments of writing, or any testimony relating thereto, to the president judge at any regular term of the circuit court of said county, and cause the same to be spread upon record.

SEC. 2. And if any persons holding deeds as aforesaid, the records of which have been destroyed, may in vacation present the same to the clerk of the circuit court; and if said deed or deeds shall have the official certificate of the former recorder thereon, it is hereby made the duty of the clerk, to cause the same, with all the official endorsements thereon, to be spread upon record.

SEC. 3. This act is hereby declared to be a public act, and to take effect from and after its passage.

husband jointly.

CHAPTER CXLIV.

An Act for the relief of John W. Cunningham, late collector of Putnam county.

[APPROVED, JANUARY 5, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for John W. Cunningham, collector of Putnam county, for the year 1839, to sue for and collect, before any justice of the peace having jurisdiction, from any person or persons owing taxes for said year, the several sum or sums of money due to said collector as such: Provided, that no suit shall be commenced by said collector until demand is made of the sum due.

SEC. 2. That the board of commissioners for the county of Putnam, be-authorized to give such further time, for the collection of the revenue of the said county of Putnam, for the year 1839, as they may

deem reasonable.

This act to be in force from and after its passage.

CHAPTER CXLV.

An Act for the relief of Cinderilla Hooker.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Cinderilla Hooker, wife of Jesse M. Hooker, of Salem. Washington county, be, and she is hereby authorized and empowered to sell and convey one third part of the town lot in the said town of Salem, numbered seven, lying immediately west and adjoining that part of said lot formerly owned by Isaac Chase, and east and adjoining that part of said lot formerly owned by John McMahan, to such person, and for such consideration as she may think proper, and to execute a deed for the same to the purchaser.

SEC. 2. Be it further enacted, That any such deed executed by the said Cinderilla Hooker in pursuance of this act, shall have the same force and effect, and vest the title of said premises in the purchaser as fully and absolutely as if the same was executed by her and her said

husband jointly.

CHAPTER CXLVI.

An Act to provide for the election of an additional justice of the peace in Bluffton, Wells county.

[Approved, February 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the county commissioners of Wells county at their first session after this act shall be in force, to order an election to be held in the town of Bluffton in said county of Wells, for the purpose of electing a justice of the peace in said town of Bluffton, who shall reside and hold his office in said town the same as if it were a regularly incorporated town.

SEC. 2. Said election shall be conducted in the same manner as is provided in all cases by law for the election of county and township officers, and the qualified voters of the township in which said town

is situated shall be competent electors.

CHAPTER CXLVII.

An Act for the relief of the collector of Scott county, for the years 1834, and 1835.

[Approved, February 15, 1841,]

Be it enacted by the General Assembly of the State of Indiana, That Aaron Rawlings, former collector of the state and county revenue for the county of Scott, be, and he is hereby given further time until the first of August, eighteen hundred and forty-two, to collect any arrearages that may be due him as such collector, for the years eighteen hundred and thirty-four, and eighteen hundred and thirty-five.

And be it further enacted, That the provisions of the statute relative to the collection of the revenue, so far as the same may be applicable, are hereby extended to him for that purpose.

and, That it shouldes awind for any ment heretolore appointed by a

This act to be in force from and after its passage.

onacied by the General Assembly of the State of Indi-

CHAPTER CX LVIII.

An Act for the relief of Benedict O'Neal.

[Approved, December 30, 1840.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all the estate, right, title, and interest of the state of Indiana, in and to any lands situated in any county in said state, of which Noah Berry died seized, acquired by escheat of the same, is hereby released to, and vested in such person or persons, as would take the same by devise or descent, if the said Berry had been legitimate.

· Sec. 2. The person or persons taking under this act, shall take an estate or estates of the same nature and extent as he, she, or they would have taken if the said Berry had been legitimate.

This act to take effect and be in force from and after its passage.

CHAPTER CXLIX.

An Act authorizing certain suits to be brought in the name of the agent of an unincorporated society.

[Approved, February 13, 1841.]

WHEREAS, a certain society in this state, known by the name and style of "The Conference of the Methodist Episcopal Church of the State of Indiana," with the view to the building of a college edifice, at the town of Greencastle in this state, have procured a large amount of subscriptions in money, to be made, by which the subscribers have agreed in substance, that they will pay to said conference, or such agent as such conference may appoint, the sum annexed to the subscribers' names, annually, for six years from the first day of September, 1837: Provided, said conference will appropriate the same for the erection of the edifice aforesaid: And whereas, said conference, confiding in said subscriptions, have caused the edifice aforesaid to be erected: And whereas, said conference is composed of a large number of individuals who are unincorporated. Now, therefore, for the purpose of enabling said conference to sue for and collect said subscriptions, without encumbering the proceedings and records of the suits with the multiplicity of names which would otherwise be required to be set out to constitute one of the parties to such suits, as might be brought aforesaid:

Sec. I. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for any agent heretofore appointed by the conference of the Methodist Episcopal church of the state of Indiana, or any agent that may hereafter be appointed by said conference for that purpose, to bring suit in the name of such agent, for the use of said conference, in any court in this state, having jurisdiction of the case, for the collection of any subscriptions made in behalf of said conference with the view to the erection of a college edifice at the town of Greencastle, in this state.

SEC. 2. That any suit brought as in this act contemplated, except as herein otherwise provided, shall be commenced and conducted to final execution, by such agent, in all things as it would be lawful to do, were such agent, instead of said conference, the party beneficially interested.

SEC. 3. The possession of any subscription paper, such as is contemplated by this act and the foregoing preamble, shall be taken as prima facie evidence that the possessor of the same, is the duly constituted agent of said conference, in this behalf.

SEC. 4. Whenever any defendant in any suit brought by virtue of this act, shall demand of the agent bringing the same, a bond for costs, such bond shall be given within a reasonable time, or in default thereof, the suit shall be dismissed.

SEC. 5. This act shall be taken as a public act, and need not be specially pleaded; and it shall be in force from and after its passage.

CHAPTER CL.

An Act to appropriate a part of the three per cent. fund belonging to Greene county, to purposes therein named.

[APPROVED, DECEMBER 24, 1840.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John A. Pegg, of Greene county, in this state, be, and he hereby is appointed a commissioner to expend fifty dollars of the three per cent. fund, now belonging to said county, on a state road leading from the town of Fairplay to Vincennes, at or near Latta's creek, on the east side of said creek.

SEC. 2. That the said commissioner be authorized to draw on the commissioner of the three per cent. fund in Greene county, for the sum specified in the first section of this act; but before entering upon the duties required of him by this act, he shall go before some person legally authorized to administer oaths, and take an oath or affirmation faithfully to perform the same.

This act to take effect and be in force from and after its passage.

CHAPTER CLI.

An Act concerning the late mayor of the town of Lafayette, in the county of Tippecanoe.

[APPROVED, FEBRUARY 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana. That it shall be lawful for Archibald Hatcher, a justice of the peace of the town of Lafayette, in the county of Tippecanoe, or any other justice of the peace of said town, having possession of the civil docket of Archibald Hatcher, late mayor of the town of Lafayette aforesaid, to issue execution or executions, scirefacias, or any other process required by law, to be issued by justices of the peace in this state, for the collection of all judgments and costs, rendered on the civil docket of the said Archibald Hatcher, late mayor of the said town of Lafayette, which shall appear to be unpaid and unsatisfied; and said justice, or justices of the peace, are hereby authorized to hear and determine, all matters relating to and growing out of the docket of said Archibald Hatcher, late mayor of said town, in the same manner that other dockets of justices of the peace are now by law transferred to justices of the peace to be acted upon.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLII.

An Act to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That in all cases where school lands in the county of Randolph, in this state, may have become forfeited for the non-payment of the annual interest due thereon, and which shall not be sold under such forfeiture, by the school commissioner, before the passage of this act, it shall be lawful for the purchaser thereof, his, her, or their heirs, or assigns, to redeem the same, at any time prior to the first day of September, in the year eighteen hundred and forty-one, by paying over to the school commissioner of said county, all arrearages of interest, and cost accrued thereon; and said school commissioner, on the receipt of such interest and cost, shall relinquish all forfeitures and penalties thereon.

SEC. 2. It shall be the duty of the secretary of state, as soon as possible, to transmit to the clerk of the Randolph circuit court, a certified copy of this act.

This act to be in force from and after its passage.

CHAPTER CLIII.

An Act to vacate the town plat of the village of Charlottsville, in Kosciusko county.

[APPROVED, DECEMBER 30, 1840.]

Be it enacted by the General Assembly of the State of Indiana, That the town plat of the village of Charlottsville, Kosciusko county, Indiana, be, and the same is hereby, vacated.

This act to be in force from and after its passage.

CHAPTER CLIV.

An Act to authorize Obadiah Jones, to build a mill-dam across the Mississinewa river, in Grant county.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Obadiah Jones, of the county of Grant, in the state of Indiana, be, and he is hereby, authorized to build a mill-dam across the Mississinewa river, in the state of Indiana aforesaid, in section thirtythree, township twenty-four north, of range eight east.

SEC. 2. The said Obadiah Jones, shall be entitled to all the benefits of the writ of ad quod damnum to condemn the lands necessary for

his use to build said dam.

SEC. 3. Said Obadiah Jones, shall be required to construct, in some suitable part of his said mill-dam, a slope, at least twenty feet wide, to admit the free passage of rafts or flat boats, and such other watercraft as may hereafter navigate said river, Provided, the state reserves the right to abate said dam at any time.

SEC. 4. Said dam shall not be constructed over three feet high,

above low water mark.

This act to take effect and be in force from and after its passage.

Sec. 2. It shall be the duty of the secretary of state, as soon as possolde, to transmit to the cl.V.le edit of transmit to the click

An Act to incorporate the Portage Bridge Company.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby, constituted a body corporate, by the name and style of the "Portage Bridge Company," and by that name, shall be capable of suing and being sued, defending and being defended, in law and equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules, and regulations not repugnant to the constitution of this state or of the United States, or the laws thereof, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. That Abner Moore, William M'Cartney; and Samuel Witter, of St. Joseph county, Indiana, shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation, and the said books shall be opened on or before the first Monday of November, 1843, and each of said commissioners may re-

ceive subscriptions to said corporation.

SEC. 3. The capital stock of said corporation shall be ten thousand dollars, or so much thereof as is necessary to carry into effect the object of this act of incorporation. Said capital stock shall be

divided into shares of five dollars each.

SEC. 4. Whenever two hundred shares of said corporation stock shall be subscribed, the commissioners shall cause an advertisement to be printed in a newspaper published it St. Joseph county for three successive weeks, giving notice of the time and place of the meeting of the stockholders to choose directors; and, at the time and place appointed, the stockholders of said company, or a majority, shall choose seven directors, they being stockholders, a majority of whom shall be competent to transact business. A new election of directors shall be held annually thereafter as soon as a majority of the stockholders at a previous meeting shall designate; the directors thus chosen at any election shall, as soon thereafter as may be, choose one person to be president, who shall appoint a secretary and treasurer.

Sec. 5. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such time and in such manner as they may think proper, and in penalty of forfeit-

ing their respective shares, and all previous payments.

SEC. 6. That the said corporation may erect a toll bridge across the St. Joseph river, at the village of Portage in St. Joseph county; and, whenever said bridge shall be completed, the said corporation may erect a toll gate at either end of said bridge, and demand and receive a toll not exceeding the following rates, to wit: For every four-wheeled carriage drawn by two horses or oxen, twenty-five cents; for each additional horse or ox, six and a fourth cents; every two-wheeled pleasure carriage, twenty-five cents; for every wagon, sleigh, or cart drawn by one horse or ox, eighteen and three-fourth cents; for every additional horse or ox, six and a fourth cents; for each man and horse, twelve and a half cents; for each horse, mule, or work ox, six and a fourth cents; for each head of neat cattle, three cents; for each head of sheep or hogs, one cent; for each foot passenger, six and a fourth cents; and in analagous proportion of the foregoing rates, for any other carriage or animal. But all persons going to or returning from places of religious worship, going to or returning from muster when on military duty, and funeral processions, shall be exempt from paying toll.

Sec. 7. If any person or persons shall wilfully impair or injure said bridge, he, she, or they so offending, shall forfeit and pay to the corporation, the sum of ten dollars, to be recovered in an action of

trespass in any court of competent jurisdiction.

Sec. 8. If any person shall forcibly pass the gate without having paid the legal toll, except persons going for a physician, he shall forfeit and pay to said corporation, eight times the amount of legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 9. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall for every such offence, on conviction, forfeit and pay the sum of five dollars, to be recovered before a justice of the peace, to the use of the person so unreasonably detained, delayed, or defrauded.

SEC. 10. If said bridge shall not be constructed in fifteen years from the passage of this act, then, in that case, this act shall be made null and void, otherwise to remain in full force and virtue for fifty years.

SEC. 11. The said corporation shall not at any time nor in any manuer, obstruct the navigation of the St. Joseph river by the con-

struction of said bridge.

SEC. 12. The mode of electing directors shall be by ballot, each stockholder being entitled to one vote for every share of stock that he may own.

SEC. 13. This act to be in force from and after its passage: Provided, however, That the legislature may, at any time, alter, amend,

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buildings for the use of said county as the county confinissioners may

or repeal this charter.

cents; for each additional horse or ox, six and a fourth cents; every

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An Act to re-locate the county seat of Sullivan county.

APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of the county of Sullivan shall assemble in their several townships, at the usual places of holding elections, on the first Monday of July next, for the purpose of determining by ballot, whether or not they are in favor of a re-location of the seat of

justice of said county.

SEC. 2. Said election shall be governed in all respects by the laws now in force regulating general elections, and those voters who are in favor of re-location shall write upon their tickets "re-location," and those opposed to it shall write upon their tickets "no re-location," and it shall be the duty of the clerk of said county to certify the result to the county commissioners, and if a majority of the voters are opposed to a re-location, then no further proceedings shall be had under the provisions of this act, but if a majority shall be in favor of a re-location, then the county commissioners of said county are hereby appointed commissioners to re-locate the seat of justice of said county; and said commissions shall meet at the house of Richard Ingle, in Hamilton township, on the third Monday of July next, or at such other times as they may think necessary, and after being sworn faithfully to discharge the duties enjoined on them by this act, shall proceed to locate said seat of justice for said county, within one and a half miles of the geographical centre of said county, and as near the centre thereof as the situation of the land, and the interest of the county will admit, taking into consideration donations, as well at situation.

SEC. 3. That the said commissioners shall be, and they are hereby authorized to receive all donations of lands for the site of said seat of justice, and all donations, which may be made to defray the expense of erecting the necessary public buildings for the use of said county, and take all necessary bonds and deeds to secure the faithful

performance of such contracts.

SEC. 4. The said commissioners shall, after they have selected the site for said seat of justice, certify the same to the recorder of the county, who shall make a proper record thereof; and also deposite with the recorder all deeds, bonds, or other instruments in writing,

which they may have received for the use of said county.

SEC. 5. That the said board shall, at their first meeting, next after the seat of justice shall have been located and fixed in manner aforesaid, appoint a suitable person, resident and freeholder of said county, as commissioner to superintend the erection of said public buildings for the use of said county as the county commissioners may designate and direct, which said commissioner, when appointed, shall

give bond and security in the sum of five thousand dollars to the treasurer of said county, conditioned for the faithful discharge of his duty, which bond shall be made payable to the said county treasurer for the use of said county, and said treasurer is hereby made the judge of such security, and the said commissioner shall have power to receive any donations which may be made for the use of said county, and the same to sue for and collect in his own name, for the use of said county, for the purposes aforesaid; and the said commissioner shall receive such compensation as the board doing county business may allow, to be paid out of the treasury of said county.

SEC. 6. Any person or persons being the owner of any lot or lots in the town of Merom, in said county, previous to the passage of this act, and who shall feel him, her, or themselves aggrieved by the re-location of said county seat, may at any time within two years after the passage of this act, make application to the board doing county business for said county, to have said lot or lots valued, with the improvements thereon, by three disinterested persons, in the following manner, to-wit: the value of the lot or lots, with the improvements thereon, previous to the removal of the seat of justice, and the value of the lot or lots with the improvements after such removal, and the difference shall be certified by said appraisers, whose duty it shall be to make return of such appraisement to the board doing county business for said county; and it shall be the duty of said board to issue county orders to the owner or owners of such lot or lots for the amount of the difference aforesaid.

SEC. 7. So soon as the public buildings shall be completed, at the place designated, the same shall be the permanent seat of justice for Sullivan county, and all the courts of said county thereafter shall be holden at such new site, and until the completion of the buildings, all courts shall be holden in the town of Merom, in said county.

This act to take effect and be in force from and after its passage.

CHAPTER CLVII.

An Act to repeal the one hundred and third section of an act, therein named, so far as relates to Perry county.

[APPROVED, JANUARY 19, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That so much of the one hundred and third section of an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, as relates to Perry county, be, and the same is hereby repealed.

This act to be in force from and after its passage.

CHAPTER CLVIII. Inno blas to remain

An Act to amend an act entitled, an act to amend an act to provide for draining Lost creek, in Vigo county.

[APPROVED, FEBRUARY 15, 1841.]

Whereas, under the act to provide for draining Lost creek, in Vigo county, approved January 21, 1837, it was made the duty of the board of commissioners of said county to appoint three competent and disinterested persons to superintend the operations under said act, and who were generally denominated and known as commissioners for draining Lost creek; and, whereas vacancies have occurred in said commissioners, by death and resignation, which vacancies the said county board have doubted their authority to fill; and, whereas, the duties devolving on said Lost creek commissioners are not yet completed, nor the designs of said act accomplished; for remedy whereof,

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Vigo county, be, and they are hereby authorized to appoint three competent and disinterested persons as commissioners, to supply the places of those first appointed by said board, (under the act entitled an act to provide for draining Lost creek, in Vigo county, approved January 21, 1837,) and whose situations have become vacant by death, resignation, and otherwise. And the said board may, from time to time as vacancies occur in the number of said commissioners, supply the same by appointing others, until the duties of said commissioners shall have been fully discharged.

SEC. 2. The said commissioners, when thus appointed, shall be governed in all respects by the above mentioned act, and the act amendatory thereto, approved February 1, 1838, and shall do and perform all and singular the duties assigned the commissioners by said acts, and which shall not have been fully performed and completed by the commissioners first appointed by said board.

SEC. 3. The said board of county commissioners be, and they are hereby authorized to discharge the duties assigned them under said acts, in the same manner as if no delay or hinderance had occurred in the discharge of said duties, by reason of there not having been appointed commissioners to supply the vacancies of those heretofore appointed by the board.

an act regulating the turnshirtier and duties of instinct of the peace approved romary L. 1638, as relates to Pearly country be and the same is hereby repealed.

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This act to be in force from and after its passage.

CHAPTER CLIX.

An Act to revive the president and trustees of the Dubois county library.

[Approved, January 5, 1841.]

Whereas, it is represented to this general assembly, that the president and trustees of the Dubois county library have become extinct by death, removal, and otherwise; and, whereas, it is further reported, that said library had funds and means loaned out and in the hands of others; Therefore—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of said county of Dubois may, at an election to be by them holden on the first Monday of September next, elect seven trustees for the county library of said county, who shall serve as such, for the term of one year from the day of their election, and until their successors shall be elected and qualified into office.

SEC. 2. And be it further enacted, That the treasurer of said library shall, in the corporate name of said county library, collect by suit or otherwise, all moneys heretofore due, or hereafter to become due, to said president and trustees from whatsoever source the same may be due and payable; and no failure of said president and trustees of said library heretofore to act in the premises, shall be taken or deemed to have worked a forfeiture, or other prejudice of the right of said president and trustees of said library to sue for and recover any and all claims in their favor, heretofore in existence, and which have not been paid.

SEC. 3. Be it further enacted, That the president and trustees of said Dubois county library, at and after the first election under this act, shall in all things be regulated and controlled by the provisions of an act entitled, an act for the incorporation of county libraries, approved February 17, 1838, so far as the same does not come within the purview of this act, and the benefit of the provisions of said act are hereby expressly given and extended to the president and trustees of said Dubois county library.

SEC. 4. This act to be in force from and after its passage.

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ford country, which shall beniled by said clark inchis office. Come

CHAPTER CLX.

An act to amend an act to provide for the opening and repairing public roads and highways in the county of Gibson, approved Feb. 17, 1838.

[APPROVED, JANUARY 5, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the fifth and sixth sections of the act to which this is an amendment, be, and the same are hereby repealed.

SEC. 2. That the supervisors in said county of Gibson shall be subject to the same penalties for a neglect of duty, and be allowed the same compensation for their services, as are prescribed by the general laws of this state upon that subject.

tion to be bruthern helden outlined. Monday of September next, close to bruthern helden county, library of sell contrivento shall serve as mellelen the term of one fear from the day of their closure.

CHAPTER CLXI.

An Act for the re-location of the seat of justice in Blackford county.

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Huey of Jay county, John Jenkinson of Randolph county, Samuel Decker of Wells county, William Vanmatre of Delaware county, and Samuel N. Woolman of Grant county, be, and they are hereby appointed commissioners, to re-locate the seat of justice in Blackford county.

SEC. 2. And be it further enacted, That the aforesaid commissioners shall meet on the first Monday in June next, at the clerk's office in Blackford county, and proceed immediately to re-locate said seat of justice; and said commissioners shall in every particular be governed by an act of the general assembly of the state of Indiana, entitled "an act to establish seats of justice in new counties, approved January 14, 1824," and all laws and parts of laws contravening the provisions of this act are hereby repealed.

SEC. 3. And be it further enacted, That it shall be the duty of the secretary of state, after the passage of this act, forthwith to transmit by mail, a copy of the same, to the clerk of the circuit court of Blackford county, which shall be filed by said clerk in his office.

This act to be in force from and after its passage.

CHAPTER CLXII.

An Act to authorize William L. McKinney, a minor, to sell real estate tog Hat oyippen bas base therein named.

[APPROVED, FEBRUARY 3, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That William L. McKinney, of the county of Clinton, state of Indiana, be, and he is hereby authorized and empowered to sell and transfer the north-west quarter of the south-east quarter of section number six, town twenty north, of range two east; and that any deed of conveyance so made and acknowledged, according to the laws of the state of Indiana, by the said William L. McKinney, a minor, shall be as good and valid in law, to all intents and purposes as if the said William L. McKinney, a minor as aforesaid, were of lawful age; and that all acts, and doings of his, in, and about the sale and making a title to said land, shall be, and they are hereby declared to be valid and good in law.

This act to be in force from and after its passage.

ter his contract with the commissioners for the con-

CHAPTER CLXIII.

An Act for the relief of Andrew Wilson.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That Andrew Wilson, of the county of Marion, be, and he is hereby authorized to complete the erection of the bridge commenced under contract by him, across White river, on the Michigan road, north of Indianapolis.

SEC. 2. The said Andrew Wilson is hereby required, in a good and substantial manner, to cover and weatherboard said bridge, and to complete the floors already commenced, and to do such other work as may be necessary to complete the same, so that at all times it may afford a safe and complete passage to travellers.

SEC. 3. That said Andrew Wilson for the finishing of said bridge, is authorized to receive the tolls herein fixed, with all the profits thereon, for the term of twelve years from the passage of this act; Provided, however, That at any time after the completion of said bridge, if the state shall pay to the said Wilson the claim which he now holds on them, amounting to nine hundred and seven dollars, with two years interest, and pay the amount necessarily expended

sonably hinder or delay any passenger at the gate, or shall

in the completion of the same, then, and in that case, the said Wilson

shall be required to surrender the said bridge to the state.

SEC. 4. When the said bridge shall be so far completed as to render the passage safe and comfortable, the said Wilson may erect and maintain thereon toll gates, and may demand and receive toll not exceeding the following rates, to-wit: for every four wheeled carriage or wagon drawn by four or more horses or oxen, thirty-seven cents; for every four wheeled carriage or wagon drawn by two horses, twenty-five cents; for every two wheeled carriage, cart, or sled, drawn by two horses or oxen, nineteen cents; every one horse carriage, sled, or sleigh, twelve cents; every horse cart, twelve cents; every man and horse, twelve cents; every foot passenger, six cents; every single horse, mule, ass, or head of neat cattle, four cents; every hog or sheep, two cents: Provided, however, That all persons going to or returning from public worship on Sunday, all persons going to or returning from any grist-mill with a grist, shall be exempt from paying toll.

Sec. 5. That before this act shall take effect and be in force, and before the said Wilson shall proceed to erect thereon toll gates, he shall enter full satisfaction on his contract with the state, and shall moreover file in the office of the clerk of the Marion circuit court a full and entire relinquishment of any and all claim upon the state for work done under his contract with the commissioners for the construction of said bridge: Provided, however, That the clerk of the Marion circuit court, be, and he is hereby authorized and required, to pay to the said Andrew Wilson a judgment in the Marion circuit court against William Polke, late Michigan road commissioner, and his securities amounting to about one hundred and thirty-six dollars,

when the same shall be collected.

SEC. 6. At the expiration of the said term of twelve years, the said bridge, with all its improvements, shall revert to the state.

SEC. 7. The said Wilson shall be required; fully to complete said bridge within one year from the passage of this act; and upon his failure to do so, he shall not be allowed to avail himself of the privileges of this act.

Sec. 8. If any person shall wilfully impair or injure said bridge, the person so offending, shall be liable to pay said Wilson double the amount of the injury done, with costs of suit, to be recovered in an

action of trespass, before any court of competent jurisdiction.

Sec. 9. If any person shall forcibly pass the gate on said bridge without having paid the legal toll, he shall forfeit and pay to the said Wilson three times the amount of the legal toll, to be recovered before a justice of the peace in action of debt, together with costs of suit.

Sec. 10. Said Wilson, before he shall be authorized to receive any toll, shall put up in some conspicuous place at said bridge, a full and complete list of the rate of tolls which he is authorized to demand and receive by the provisions of this act.

SEC. 11. If the said Wilson, or any toll gatherer in his employ, shall unreasonably hinder or delay any passenger at the gate, or shall demand and receive more than legal toll, he shall forfeit and pay for every such offence, the sum of three dollars, with costs of suit, to be recovered before any justice of the peace of the proper township, for the use of the party injured.

co. I. He it engeted by the General Assembly of the State of Indiana, CHAPTER CLXIV.

Arraovas, Francia L. 1341.

An Act supplemental to an act passed at the present session of the general assembly, entitled, "an act for the relief of Andrew Wilson."

[APPROVED, FEBRUARY 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That so much of said act as authorizes said Andrew Wilson to collect toll on the bridge, shall not extend to persons who have heretofore voluntarily subscribed and paid money towards the construction of said bridge named in said act.

This act to be in force from and after its passage.

CHAPTER CLXV.

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An Act for the relief of Edward H. Jacot.

[Approved, February 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the treasurer is hereby authorized to substitute and deliver to Edward H. Jacot, or his authorized agent, the sum of one thousand and twenty dollars, in treasury notes, of the following denominations, viz: twenty notes of the denomination of fifty dollars, and four notes of the denomination of five dollars, to be of the same date and numbers with the left hand halves of the treasury notes now in the possession of the said Jacot: Provided, the said Jacot shall furnish the treasurer with legal, and satisfactory, evidence, that the right hand halves of the said notes were lost, as set forth in his communication: And provided, the said left hand halves be returned to the treasurer.

This act to be in force from and after its passage.

CHAPTER CLXVI.

An Act to provide for the election of a justice of the peace in the town of Putnamville, in Putnam county.

[Approved, February 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in the county of Putnam, be, and they are hereby authorized at their next session following the passage of this act, to order one justice of the peace, and one constable to be elected in the town of Putnamville, Warren township in said county, in addition to the number of justices of the peace and constables now appointed to said township.

SEC. 2. The board shall fix the time of holding said election, and in all other respects, the said election shall be governed by the law now in force regulating the election of justices of the peace.

This act to take effect and be in force from and after its passage.

CHAPTER CLXVII.

An Act attaching Sprinklesburgh and Mount Prospect to the town of Newburgh in Warrick county, and for other purposes.

[APPROVED, FEBRUARY 3, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the town of Sprinklesburgh, and the town of Mount Prospect, and all the land not laid out in lots, that lies between the said towns, be, and the same are hereby attached to the town of Newburgh, and that hereafter the same shall be known and designated by the name of Newburgh.

SEC. 2. Be it further enacted, That the board doing county business in the county of Warrick may, at their next, or any subsequent session, if they deem it expedient, order an election to be holden, to elect an additional justice of the peace in Ohio township, who shall reside, and hold his office in the town of Newburgh (as above enlarged;) which election shall be governed in all respects by the laws regulating township elections.

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This act to be in force from and after its passage.

CHAPTER CLXVIII.

An Act relative to the surplus revenue of the United States allotted to Carroll county.

[APPROVED, FEBRUARY 10, 1841.]

Whereas, It has been represented to this general assembly that all the bonds and other papers belonging to the surplus revenue fund in Carroll county have been destroyed by fire, and there is great danger that said fund will be entirely lost; Therefore,

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That William George, of the county of Carroll, be, and he is hereby appointed a special commissioner to investigate the condition of the surplus revenue of the United States allotted to and paid over to the surplus revenue agent of said county; and that said commissioner have power to send for persons and papers, and to compel the attendance of witnesses, to administer all necessary oaths, to employ counsel to assist him in the investigation of the condition of said fund, and to hear and determine all questions that may arise upon said investigation, as to the indebtedness of any person or persons, into whose hands said fund, or any portion thereof, may have come, whether by receipt from the state treasury, or by loan or otherwise, including both principal debtors and their securities, and to make award of the same as in the case of arbitration.

SEC. 2. That if upon making the award as aforesaid, (which shall be made in favor of the state of Indiana against the person or persons who may be found indebted to said fund, either as principals or securities,) the debtor in such award shall make his bond and mortgage to the agent of the surplus revenue of said county, agreeably to the provisions of the several acts for loaning said fund, for the full amount of such award, together with eight per cent. interest on the sum borrowed, it shall then be the duty of the said commissioner, to enter satisfaction of said award, upon the back thereof; but if such debtor shall fail so to do, the said commissioner shall file a true copy of his award in the office of the clerk of the circuit court of said county, who shall enter the same upon his docket, as a suit in the name of the state of Indiana against such debtor or debtors, and shall thereupon issue a scire facias, directed to the sheriff of said county, and commanding him to summon such debtor or debtors to be and appear at the next term of said court, on the first day thereof, to show cause why judgment should not be rendered against him or them upon said award; and from the time of the filing of said award, the same shall be a lien upon the real estate of the debtor or debtors for the amount of the judgment which may be finally rendered, as in cases of transcripts from the docket of justices of the peace.

SEC. 3. It shall be the duty of the said court to hear and determine the said scire facias in the same manner and under the same regulations and restrictions as in other cases of scire facias issuing upon awards: Provided, however, That said commissioner, and the said court in case of a scire facias issuing upon the award, shall have power to examine the debtor or debtors under oath, or to demand an answer under oath to the complaint which may be filed against him or them by said commissioner, under the same rules and restrictions now prescribed by the act regulating the practice in chancery.

SEC. 4. Upon the filing of such award with the clerks as aforesaid, it shall be the duty of said commissioner to furnish said clerk with a list of such witnesses as may be necessary to sustain the action on the part of the state, as far as they may have come to his knowledge, and the clerk shall thereupon issue subpoenas for the

same, as in other cases.

SEC. 5. The said commissioner shall, before entering upon the duties in this act assigned, take an oath faithfully and impartially to hear and true awards make, in all cases which may arise upon such investigation, according to the best of his judgment and ability.

- SEC. 6. In case the said commissioner named in this act shall refuse to perform the duties assigned him herein, it shall be the duty of the board doing county business in said county, at the next or any subsequent term of their court, after they shall have been informed of such refusal, to appoint some other person a commissioner, who, upon taking the oath prescribed in this act, shall have all the powers and perform all the duties given to and required of the aforesaid commissioners.
- SEC. 7. It shall be the duty of the board doing county business in said county, to make such allowance to said commissioner and to the counsel whom he may employ, as they may deem just and reasonable.

This act to take effect and be in force from and after its passage.

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amounts of said award, together with sight per vent, interestron the

An Act for the relief of the Hancock county library.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the surplus revenue agent for Hancock county, shall pay over to the president and trustees of the Hancock county library, the sum of fifty dollars annually, for the period of four years, out of the interest arising upon loans made of the fund aforesaid; and a certifi-

cate of the receipt of said fund, by said president and trustees, shall be a sufficient voucher to such agent of said surplus revenue.

SEC. 2. The said president and trustees shall, annually, as they receive the said appropriation, expend the same in the purchase of such useful books as they may select; which books when purchased, shall

be the property of the Hancock county library.

SEC. 3. Each Householder of said county, shall be privileged to use any of the books of said county for the period of one year, gratis, subject, however, to all the rules and regulations now in force as to the return of said books, and any injury that may occur to the same while in the hands of said holder.

This act to be in force from and after its passage

CHAPTER CLXXI.

An Act for the relief of the trustees of the Methodist Episcopal church, in the town of Columbus, in Bartholomew county.

[APPROVED, JANUARY 5, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Elijah Sloan, and Akin A. Wiles, surviving trustees, to whom, with their associates, was deeded, for the use of the Methodist church, a certain lot of ground, on the east side of Washington street, and adjoining, on the north, the donation of the town of Columbus, in Bartholomew county, be, and they are hereby authorized and empowered to convey all the right of said church in said lot, as it is described in the original deed of conveyance, made by John Tipton to said trustees, as the same stands on record in the recorder's office, in the county of Bartholomew, to James N. Love, Miles Bunnell, Nathan Graves, John B. Abbott, and Williamson Terrell, trustees of the Methodist Episcopal church, in the town of Columbus, and to their successors in office, for the use of said Methodist Episcopal church.

Sec. 2. And be it further enacted, That the said James N. Love, Miles Bunnell, Nathan Graves, John B. Abbott, and Williamson Terrell, trustees, of the said Methodi-t Episcopal church, in said town, and their successors in office, be, and they are hereby, authorized and empowered to sell and convey for the use and benefit of said church, any lot, tenement, and real estate, which said church possesses, or may hereafter become possessed of, to any person who may purchase the same.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXII.

An Act for the relief of Mentor S. Johnson, collector of Clay county.

[Approved, January 9, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Mentor S. Johnson, collector of the county revenue of Clay county, for the year 1840, be, and he is hereby authorized to withdraw from the clerk's office of said county, the delinquent list by him filed, as such collector.

SEC. 2. Said Mentor S. Johnson, collector as aforesaid, shall be allowed until the first Monday in May next to complete his collections, return his duplicate and delinquent list to the clerk's office of said

county, for the year 1840.

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This act to be in force from and after its passage.

CHAPTER CLXXIII.

An Act for the relief of certificate holders to certain school lands in Monroe county.

[APPROVED, FEBRUARY 4, 1841.]

Whereas, it has been represented, that the certificate of the township clerk of congressional township number ten, north of range two west, in Monroe county, on file in the office of the school commissioner, of said county, does not sufficiently describe the several lots of land contained in the sixteenth section, of the aforesaid township; by reason of which, the school commissioner of said county, is unable to make good and sufficient deeds of conveyance to the purchasers of said

lands; for remedy whereof,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Putnam, John Burton, and William Brady, or any two of them, after being duly qualified by some person authorized to administer oaths, are hereby authorized to make out a correct certificate, in which they shall accurately describe each lot of land contained in the sixteenth section of township number ten, north of range number two west, in Monroe county, as originally run out, and it is hereby made their duty to furnish the school commissioner of said county, and the clerk of the board of township trustees, with a certified copy of their proceedings, whose duty it shall be to record the same in their books, and the school commissioner aforesaid, in making deeds to said lands, shall be governed thereby.

SEC. 2. The board doing county business in said county of Monroe

are authorized to make a reasonable compensation to James Putnam, John Burton, and William Brady, or such of them as shall perform the duties required in this act.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXIV. on 10 19 9d and ash

That wherever any street or after in the december of him-

An Act for the relief of Ann Gertrude Brick, and Adam and Maurice Brick.

[APPROVED, FEBRUARY 15, 1841.]

WHEREAS, a native of Germany, in the year A. D. 1834, emigrated to the United States, and on the second day of August of said year, purchased the following tract of canal land, and paid the whole of the purchase money therefor, to wit: \$120, for the east half of the northwest quarter of section number twenty, in township number thirty north, of range number thirteen east, containing 80 acres, and that within about two months after making said purchase, said Philip Brick died before making a declaration of his intentions of becoming a citizen of the United States, and left two sons, Adam Brick, who has since become a citizen of the United States, and Maurice Brick, who has taken the declaratory oath of his intentions to become a citizen of the United States, and a widow, Ann Gertrude Brick. And whereas, it is deemed but just and right, that the said Ann Gertrude shall have her right of dower in said premises, and that said Adam and Maurice Brick should inherit said estate, in like manner as they would have done, had the said Philip Brick been naturalized before his decease (having emigrated to this country, with the full intention of becoming a citizen, and only prevented therefrom, by his decease,) within a few months after his arrival in America; Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the said Ann Gertrude Brick, shall have her right of dower, and the said Adam and Maurice Brick shall have their inheritance in the aforesaid premises, fully, and in like manner, as if the said Philip Brick had been naturalized, and had died a citizen of the United States: And the governor is hereby authorized and required, as in other cases, when full payments have been made for canal lands sold, to make a deed in fee simple to said Adam Brick and Maurice Brick, for the aforesaid east half of the north-west quarter of section number twenty, in township number thirty, north of range thirteen east, containing 80 acres of Wabash and Eric canal lands, reserving to said Ann Gertrude Brick, widow, as aforesaid, of the said Philip Brick, her full right of dower, as fully so as if her said husband Philip Brick, deceased, had been a citizen of the United States at the time of his decease.

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An act to amend the charter of the borough of Vincennes.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That wherever any street or alley in the borough of Vincennes has been or may be improved, according to the provisions of the charter now in force, it may be lawful for the president and trustees of said borough by ordinance to levy a special tax on the property fronting on the street or alley, or part of street or alley, so improved, for the purpose of keeping the same in repair: Provided, This tax shall only be levied in case those owning property on such street or alley so improved, shall refuse or neglect to keep the same in repair.

SEC. 2. This act shall be deemed and taken to be a public act, and as such may be given in evidence without plenning, and without proof of the adoption of the same by the people of Vincennes.

Sec. 3. This act to be in force from and after its passage.

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CHAPTER CLXXVI.

An Act to authorize the seminary trustees of Randolph county to borrow money and for other purposes. An him dealers company

[APPROVED, FEBRUARY 4, 1841.] The large states of the state of the sta

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the seminary trustees of Randolph county, be, and they are hereby authorized, to borrow of the agent of the surplus revenue of Randolph county, and of the school commissioner of said county, or of either of them, a sum not exceeding in all one thousand dollars of the funds belonging to their respective offices for the purpose of, and to be applied by them, to the payment of the balance due for the building and finishing said seminary of said county of Randolph, and for the purpose of fully completing the same, and furnishing it, with desks, seats, school apparatus, enclosing the ground belonging to said seminary, digging the well, and other incidental expenses.

SEC. 2. It shall be the duty of the trustees of the seminary of said county for the time being, to make and execute, to the agent of the surplus revenue of said county, or to the school commissioner, or to each of them (as the case may be) a bond conditioned for the faithful and punctual payment of the amount so borrowed, within

five years from the date thereof, and for the payment of the interest thereon, at the rate that funds are loaned by such agent or commissioner, to other persons, to be designated in said bond, annually in advance, on the same conditions and terms otherwise, as said agent or commissioner is required to loan money, and for the punctual payment of the interest when the same becomes due, and the principal at the expiration of the time said agents shall pledge the seminary fund of said county accruing and to accrue.

SEC. 3. Said agents shall not be authorized to lay out or expend any portion of the seminary funds that may come into their hands after making said loan for any other purpose than the payment thereof, and the interest thereon annually as aforesaid until the same

is fully paid and satisfied.

SEC. 4. That in case the interest on such loan or loans shall not be punctually paid, when the same becomes due, or within sixty days thereafter, the whole principal shall thereby become absolutely due and payable, in the same manner that loans to other persons would become due from said funds respectively, and said agent or commissioner shall thereupon commence suit on the same in the circuit court of Randolph county, and on the judgment or judgments thereon there shall be no stay of execution, and such execution may be levied on the seminary of said county, and the same shall be sold in the same manner that other real estate is sold under execution.

SEC. 5. It shall be lawful for any person resident of said county, and who would be entitled to draw any portion of the school fund of the township in which he or she may reside, and who may send to the school kept in said seminary, to draw the same, in the same manner as if he or she sent to a school in his or her proper school district, and pay the same towards his or her tuition fees at said seminary.

This act to be in force from and after its passage. ward a conv of these resolutions with the accompanying report to

CHAPTER CLXXVII.

such of our squators and representatives in congress, and one corre

An Act to legalize the meetings of the trustees of the La Grange collegiate

[APPROVED, FEBRUARY 10, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That all meetings of said trustees, on days not set apart by the charter are hereby legalized, and made as effectual as if held on such days so set apart.

quested, to use their industries to procure a confirmation of the

69.883.47 acres of land, selected and reported to the secretary of the

shereon, at the rate that funds are loaved by such agent or commissioner, to other persons, to be designated in suid brad, annually in advance, on the same conditions and terms otherwise, as said agent or commissioner is required to loan anoney, and for the punctual payment of the interest when the same becomes due, and the principal

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JOINT RESOLUTIONS.

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niter measing said loan for any other purpose than the part and thereof, and the interest thereof meaningly as molecular that is tally paid and satisfied.

A Joint resolution on the subject of the National road.

[Approved, February 4, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That our senators and representatives in congress be requested to urge the claims of Indiana, to the speedy and final completion of the Cumberland road, upon the principles embraced in the foregoing report.

Resolved, That the state will accept a proposition similar to the one made by General Tipton, in the senate of the United States, as above recited, and guaranty the speedy and final completion of the

road.

Resolved, That his excellency the governor, be requested to forward a copy of these resolutions with the accompanying report to each of our senators and representatives in congress, and one copy to each of the governors of Ohio, Illinois, and Missouri.

CHAPTER II.

An Act in logalize the meetings without dates of the La Course col

A Joint resolution of the general assembly of the state of Indiana, in relation to the selection of lands, for the Wabash and Eric canal.

[Approved, December 24, 1840.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress be instructed, and our members requested, to use their influence to procure a confirmation of the 69,883.47 acres of land, selected and reported to the secretary of the

treasury of the United states, in lieu of valuable lands falling within the tier of canal lands belonging to this state, and reserved by the federal government to chiefs, and head men of the Miami tribe of Indians, in procuring a cession of the country from them; which said 69,883.47 acres of land were selected and reported in pursuance of "an act providing for selecting, rating and selling lands yet due on the Wabash and Erie canal, east of the mouth of the Tippecanoe river and for other purposes," approved, February 24, 1840; that should said selections not be confirmed, and proper compensation thereby withheld, that great injustice will be done the state of Indiana. It is considered that said selection was just and equitably made, and the same is hereby authorized to be received and accepted in lieu of said Indian reserves as before referred to.

Resolved, That the governor be requested to forward to each of our senators and members in congress, a copy of the foregoing joint resolution, at as early a day as possible.

engineer, who shall proceed as soon as practicable, to measure the work done by David Royle, or corron No. sixty-two (62) on the Wabash carral, since the suspension of operations on the public works,

resolution, at as early a day as possible.

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A Joint resolution requesting the governor to enter into a correspondence with the executive of the state of Ohio, upon the subject of the completion of the Wabash and Erie canal.

[Approved, February 13, 1841.]

Whereas, that portion of the Wabash and Erie canal lying between the line dividing the states of Ohio and Indiana, and the town of Lafayette has been so far finished the past year, as to admit of the passage of canal boats on the whole line between said points; and whereas, the said portion of the canal must be measurably unproductive, and valueless until that part situated in Ohio shall be finished; and whereas, this work is relied upon by Indiana, as one of the principal sources for the advancement of the prosperity of her citizens, and for furnishing the means of meeting the annual liabilities of the state, growing out of her system of internal improvements: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That the governor of this state be requested, at an early period, to enter into a correspondence with the executive of Ohio, upon the subject of the completion of the Wabash and Erie canal, within that state, representing the deep interest the state of Indiana has, in having the whole line of the canal made navigable at the close of the present year, and soliciting him to submit such recommendations to the legislature of Ohio, or her board of public works, as he shall deem

the best calculated to ensure the prompt action of the public authorities of that state, in the furtherance of the views of Indiana on this important subject.

van act providing for selecting, rating and selfing lands yet due on the Walash and Line canal, east on the mouth of the Tippecance river and for other purposes, approved, Lebrary 21, 1840; that should said selections not be confirmed, and proper compensation thereby withheld, that great injust. VI RATCHAH) he state of Indiana. It

A Joint resolution for the relief of David Rowles.

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our senators and members in cong

Be it resolved by the General Assembly of the State of Indiana, That the board of internal improvement be authorized to appoint an engineer, who shall proceed as soon as practicable, to measure the work done by David Rowles, on section No. sixty-two (62) on the Wabash canal, since the suspension of operations on the public works, and for which no estimate or payment has been made to the said David Rowles, and which shall be reported by said engineer to the board of internal improvement, who shall thereupon settle with the said David Rowles for said work, under the provi ions of an act, entitled, "an act for the immediate relief of contractors and others engaged on the public works, and shall pay him for said work under the provisions of said act: Provided, that the said board shall not pay for the said work in treasuary notes, unless there may be a sufficien cy of said notes heretofore prepared under the provisions of the act above referred to not otherwise appropriated; And provided, also, the sail Rowles shall agree to suspend further operations on said whereas, the said portion of the canid must be measurably unpro-

citizens, and for furnishing the mean comecting the annual Habilities of the state, grown. V RATPAHO stam of internal improve-

ductive, and valueless until that part situated in Ohio shall be in-

the principal sources for the advangement of the prosperity of her

A Joint Resolution relative to the publication of the school law.

[Approved, February 15, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That the secretary of state be, and he is hereby authorized, during the progress of printing the laws of the present session, to procure the publication of an additional number, equal thereto, of the act passed at the present session of the general assembly, entitled "an act to revise and amend an act incorporating congressional town-

ships, and providing for public schools therein, approved February 17, 1838," (no allowance being made to the printer for composition or re-setting, for said extra copies,) and also to have the same folded and stitched substantially, to be forwarded in their proper proportion to each county, at the time and in the same manner as is provided in regard to the laws and journals, and to be delivered to the respective school commissioners for distribution.

Be it resolved by the General Assembly of the State of Indiana,

Must the secretary of state be, and he is heroby authorized and diceted hereafter every year to see apart one copy of the documente-

y journal of this state, and, one copy of the general laws printed at session of the legislature, and are the revised code of 1838, and

a copy of the laws of city ASTACHO that time for the use of the historical society of the state of the York; and that the said

A Joint Resolution of the general assembly of the state of Indiana, on the subject of Mr. Benton's bill, to establish a permanent prospective pre-emption system in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon.

[APPROVED, FEBRUARY 4, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress be instructed, and our representatives requested to vote for, and endeavor to procure the passage of the above entitled bill, amended so as to embrace the following provisions, viz:

I. To distribute the proceeds of the sales of the public lands among the several states of the union in just and equitable proportions.

II. To grant to actual bona fide settlers upon the public lands, the right of pre-emption to any quantity thereof, not exceeding one-half section, or 320 acres, including place of settlement, at the minimum price of \$1 25 per acre, with such provisions as shall limit this right of settlement and pre-emption to actual bona fide settlers, whose estate, at the time of settlement, shall not exceed the value of \$500: and further, with such provisions as shall effectually exclude the wealthier speculators from all benefits under this law, and shall prevent them from interfering with, or participating in, the privileges and right of settlement and pre-emption which are hereby granted, and intended for the sole advantage of the needy and honest settlers and cultivators of the soil.

Be it further resolved, That his excellency the governor be directed, to transmit a copy of this joint resolution, to each of our senators and representatives in congress.

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ships, and providing for public schools therein, approved February 17, 1833, (as allowance, IIV PATER CHAPTER VII. as a same folded or resetting, for said ext. IV

A Joint Resolution in relation to the historical society of the state of New York.

[Approved, February 13, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That the secretary of state be, and he is hereby authorized and directed hereafter every year to set apart one copy of the documentary journal of this state, and one copy of the general laws printed at each session of the legislature, and also the revised code of 1838, and a copy of the laws of each year since that time for the use of the historical society of the state of New York; and that the said secretary be requested to inform the said society of the passage of this resolution.

CHAPTER VIII.

A Joint Resolution relative to the election of President and Vice-President of the United States.

[Approved, January 19, 1841.]

Resolved by the General Assembly of the State of Indiana, That our senators in congress be instructed, and our representatives requested to vote for the passage of a law designating the same day throughout the United States for the choice of electors for president and vice-president of the United States, in accordance with the fourth section of the second article of the constitution.

Resolved, That the governor of this state be requested to transmit a copy of this joint resolution to each of our senators and representatives in congress, and to the governors of each of the States, with a request that it be laid before their respective legislatures.

rected, to transpile copy of this join resolution, to each of on

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CHAPTER IX.

A Joint Resolution relative to the superintendents of the state prison.

[APPROVED, FEBRUARY 15, 1841.]

Resolved by the General Assembly of the State of Indiana, That Hensley and Patterson, superintendents of the state prison, be allowed out of any moneys arising from future rents of the state prison, such sum as the auditor of public accounts shall, on final settlement of their accounts, find justly due them.

CHAPTER X.

copy of this resolution to each of our senators and representatives in

A Joint Resolution for the benefit of St. Joseph county.

[APPROVED, FEBRUARY 4, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That it shall be the duty of the secretary of state to forward fifteen copies of the revised statutes of eighteen hundred and thirty-eight, to St. Joseph county, for the use of the officers thereof entitled to said statutes under the existing laws.

stitute a commission, whose duty it shall be, within thirty days after

SEC. 2. That said const. IX STAPACO out dup cate certificates, showing the amount, decountains, and onto of issue of the pater of

A Joint resolution relative to the sub-treasury bill.

[Approved, January 19, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress and representatives be requested to procure, if possible, by their exertions, at as early a day as may be in their power, a repeal of a bill passed at the last session of the congress of the United States, known as the independent treasury bill; and that his excellency the governor of Indiana forward a copy of this resolution to each of our senators and representatives aforesaid at as early a period as practicable.

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CHAPTER XII.

A Joint Resolution in relation to duties on foreign goo s.

[APPROVED, FEBRUARY 2, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That our senators and representatives in congress be informed that this legislature is of opinion that the general government should be supported by revenue to be raised from duties on foreign goods, and is wholly opposed to direct taxation for such purpose.

Resolved further, That our governor be requested to forward a copy of this resolution to each of our senators and representatives in

congress.

CHAPTER XIII.

A Joint Resolution of the general assembly of the state of Indiana, on the subject of the redemption and cancelling treasury notes.

[Approved, February 13, 1841.]

SEC. 1. Be it resolved by the General Assembly of the State of Indiana, That the auditor, treasurer, and secretary of state shall constitute a commission, whose duty it shall be, within thirty days after the adjournment of the present session of the general assembly, to burn all the treasury notes that may have been redeemed at the treasury.

SEC. 2. That said commission shall make out duplicate certificates, showing the amount, denomination, and date of issue of the notes so destroyed, and amount of interest thereon, one of which certificates shall be entered on the books in the office of the treasurer of state.

and the other filed with the auditor.

SEC. 3. That it shall be the duty of said commission, to perform the same duty until all the treasury notes are destroyed, and so much of the seventh section of an act entitled, "an act for the immediate relief of contractors and others engaged on the public works," as requires the word "cancelled," and the date of each note redeemed, to be entered opposite its appropriate number in the registers of the auditor and treasurer, be, and the same is hereby repealed.

This joint resolution to be in force from and after its passage,

said at as early a period as practicable.

CHAPTER XIV.

A Joint Resolution relative to the destruction of the statutes of Dubois county.

[APPROVED, FEBRUARY 10, 1841.]

Whereas, it has been represented to this general assembly, that in consequence of the destruction of the records and statutes of the county of Dubois by fire, that the officers of said county have been deprived of the use of the revised statutes of the state of Indiana, for 1838, and the statutes enacted by the general assembly since that time to the present; Therefore—

Be it resolved by the General Assembly of the State of Indiana, That the secretary of state is hereby directed to cause to be forwarded to the clerk's office of said county, twenty copies of the revised statutes of 1838, five copies of the local laws of 1838, ten copies of the general laws of 1839, and five copies of the local laws of 1839, at the same time the laws and journals of the present session of the general assembly shall be forwarded to said county, unless he may have an earlier opportunity to forward the same, and that the clerk of said county shall distribute them among such officers of said county as have been deprived of copies of said laws by the destruction of the laws belonging to said county as aforesaid, and to such officers as may be entitled to receive the same according to the laws now in force on that subject.

This joint resolution to be in force from and after its passage.

company in part payagent of their hibblities to the state, three hundred thousand dollars in non-.vx RAPTER XV.

Winners, it is stated in the Language ort of Million Stapp, esq., (page 16) that has acceed to receive from the Morris Cami and Dauking

A Joint resolution to amend the joint resolution relative to the auditor of public accounts, approved, February 9, 1831.

[Approved, February 13, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That the auditor of state be, and he is hereby directed to procure new and complete tract books for the counties, and parts of counties, embraced in the Indianapolis, Crawfordsville, Jeffersonville, and Cincinnati districts, early enough for the use of the appraiser of each county, during the present year, if possible; the necessary expenses thereof to be liquidated, as provided for in the joint resolution to which this is an amendment.

CHAPTER XVI.

A Joint Resolution in relation to a national bank.

[Approved, January 19, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That the establishment of a national bank, with such capital, and with such power, and under such restrictions, as will render it a safe, and convenient instrument for the receipt, keeping, and disbursement of the public money, and as will enable it to afford a safe and convenient paper currency, as well as a moderate and regular system of domestic exchanges, is within the constitutional power of the general government, and proper and expedient. And resolved further, that the governor cause copies of the above joint resolution to be forwarded to each of our senators and representatives in congress.

have an earlier opportunity to forward the same and that the clerk of said county shall distribute the account with all distribute the account with a large with all county and deprived. IIVX RATCHAD we by the destruction of

general assembly shall be for warded to said county, unless he may

A Joint Resolution relative to the contract to the Morris Canal and Banking Company, for rail road iron, made by the fund commissioner, Milton Stapp, esq.

[APPROVED, DECEMBER 22, 1840.]

Whereas, it is stated in the late report of Milton Stapp, esq., (page 46) that he has agreed to receive from the Morris Canal and Banking company in part payment of their liabilities to the state, three hundred thousand dollars in iron—one third of which will be paid in rail road iron, if notice to the contrary be not given to said company on or before the first day of January next. And whereas, rail road iron is of all other kinds of iron the most unsaleable, as it cannot be used for any other purpose, to advantage; therefore,

Be it resolved by the General Assembly of the State of Indiana, That the Morris Canal and Banking Company be notified through our fund commissioners, that the state at present declines taking any part of the iron in the above recited contract, in rail road iron; and that a copy of this joint resolution be forthwith transmitted to our

ty, during the present year, if possibler the necessary expenses thereof

to be liquidated, as provided for in the joint resolution to which this

nati districts, early shough for

fund commissioners now in New York.

vide the means to meet the demands of the states, to the several amounts to which they .IIIVX NATTANHO itled under that bill after demicting the amount of the surplus revenue already received.

A Joint Resolution on the subject of amending the constitution of the United States.

[Approved, January 14, 1841.]

Be it resolved by the General Assembly of the state of Indiana, That we concur in the opinion expressed in the following joint resolution of the state of Vermont, approved, October 22d, 1840:

Resolved, by the Senate and House of Representatives, That the senators from this state be, and they are hereby instructed, and our representatives in congress be, and they are hereby requested, to use their best endeavors to procure such an amendment to the constitution of the United States as will restrict the eligibility of the president of the United States, to a single term.

Be it further resolved, That the governor be requested to transmit a copy of the foregoing resolution to each of our senators and representatives in congress, and to the governor of each of the states, with a request that they lay the same before their respective legislatures.

CHAPTER XIX.

STATES TO VISUALIZATION

A Joint Resolution on the distribution of the proceeds of the sale of the public lands.

[Approved, February 5, 1841.] and of his of his

Be it resolved by the General Assembly of the State of Indiana, That the public domain of the United States, is the common property of all the states, and of right, the proceeds thereof constitute a common fund for their common use and benefit, and ought not to be used for any other purpose whatever, and we protest against the surrender of this common property to a portion of the states, as unjust, and in direct violation of the purposes for which it was ceded to, and accepted by the United States, and we protest against the reduction in the present minimum price of the public lands, other than to graduate the same, believing it to be injurious to the interests of the states, and uncalled for by either the public or individual interest.

And be it further resolved, That we recommend an immediate separation of the proceeds of the sale of the public lands from the other revenues of the government, and that the same be distributed, after deducting the expense of selling the same, among the several states, similar in its provisions to Mr. Clay's land bill, and that Congress pro-

vide the means to meet the demands of the states, to the several amounts to which they would have been entitled under that bill after deducting the amount of the surplus revenue already received.

Resolved, That in the opinion of this general assembly, our senators and representatives in congress will promote the interests of their constituents, and act in accordance with their wishes, by giving their support to the principles asserted in the foregoing resolutions.

Resolved, That the governor be requested to forward a copy of these joint resolutions, and the accompanying report, to each of our senators in congress, and to each of our representatives, with a request that they lay the same before their respective bodies; and that he transmit a copy of the same, to each of the governors of the several states, with a request that they lay the same before their respective legislatures.

thair betternier doctor to procure such an amount on the president tion of the clinited states as will redicion the eligibility of the president of the Mallated Plates, to a single terms one cleared made to transmit a copy of the foregoing resolution to each or our senators and representatives in States, and to the governor of each of the states, with

Office of Secretary of State, Indianapolis, 23d March, 1841.

Indiana, to-wit:

I do certify, that I have compared the foregoing printed acts and joint resolutions with the original rolls on file in my office, and found them correct, with the exception of the words included [thus,] inserted to aid the sense.

of all the states, and of right, the states thereof constitutes a common fund for their consumption and her of third could near to be used for any other purpose whatever, and we project set include the surten-

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WILLIAM SHEETS,
Secretary of State.

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